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# DEBATES

OF

# THE SENATE

OF THE

# DOMINION OF CANADA

# 1895

REPORTED AND EDITED BY

HOLLAND BROS.

*Official Reporters of the Senate of Canada*

FIFTH SESSION—SEVENTH PARLIAMENT

OTTAWA
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# THE DEBATES

OF THE

# SENATE OF CANADA

IN THE

FIFTH SESSION OF THE SEVENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE EIGHTEENTH DAY OF APRIL, IN THE FIFTY-EIGHTH YEAR OF THE REIGN OF

## HER MAJESTY QUEEN VICTORIA

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### THE SENATE.

*Ottawa, Thursday, 18th April, 1895.*

THE SPEAKER took the Chair at 2.30 p.m.

Prayers.

### NEW SENATOR.

Hon. Joseph Octave Arsenault, of Prince Edward Island, was introduced and, having taken the oath prescribed by law, took his seat.

The House adjourned during pleasure.

After some time the House was resumed.

### THE SPEECH FROM THE THRONE.

At THREE o'clock P.M., HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The Senators being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the FIFTH SESSION of the SEVENTH PARLIAMENT of the DOMINION OF CANADA, with the following Speech :—

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

It is with much satisfaction that I again have recourse to your advice and assistance in the administration of the affairs of the Dominion.

By the sudden and lamented death of the late Right Honourable Sir John Thompson, Canada has sustained a grievous loss. The deep and heartfelt sympathy expressed by Her most Gracious Majesty the Queen, and the manifestations of sorrow with which the distressing intelligence was received throughout the Empire, as well as tokens of esteem and respect everywhere paid to the memory of the deceased statesman, have been gratefully appreciated by the people of Canada.

Satisfactory assurances having been received from Her Majesty's Government respecting the interpretation of certain clauses in the Treaty of Commerce with France, ratifications will be exchanged as soon as the necessary legislation has been passed.

The recent action of the Imperial Parliament enabling the various Australasian Governments to enter into preferential trade relations with the other self-governing Colonies of the Empire, affords gratifying proof that the suggestions of the Colonial Conference are being favourably entertained by Her Majesty's Government.

In conformity with a recent judgment of the Lords of the Judicial Committee of the Privy Council, to the effect that the dissentient minority of the people of Manitoba have a constitutional right of appeal to the Governor General in Council against certain Acts passed by the legislature of the province of Manitoba in relation to the subject of education, I have heard in Council the appeal, and my decision thereon has been communicated to the legislature of the said province. The papers on the subject will be laid before you.

The depression in trade which has prevailed throughout the world for the past few years has made itself felt in Canada, but fortunately to a less degree than in most other countries. Although this has not resulted in any considerable decrease in the volume of our foreign trade, yet owing to low prices and recent reductions in and removal of taxation, it has been followed by a serious decrease in revenue derived from Customs and

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Excise. In order to produce equilibrium between revenue and expenditure for the coming year, it will be necessary to observe the greatest possible economy in the appropriations for the various branches of the public service.

During the period that has elapsed since the last Session of Parliament, I have had an opportunity of visiting many portions of the Dominion, including the Maritime Provinces, Manitoba, the North-west Territories and British Columbia. Throughout these tours I have been impressed and gratified by manifestations of an abounding loyalty and public spirit ; and notwithstanding the phase of trade depression already referred to, I observed everywhere unmistakable signs of that confident hopefulness in the future, based on thorough belief in the greatness of the resources of Canada, which is one of the characteristics of her people, and which furnishes a good augury and pledge of further development and progress.

The Government of Newfoundland having intimated its desire to renew negotiations looking to the admission of that colony into the Dominion of Canada, a sub-committee of my advisers have recently met in conference a delegation from the Island Government and discussed with them the terms of union. It will be a subject of general congratulation if the negotiations now pending result in the incorporation of Her Majesty's oldest colonial possession into the Canadian Confederation.

Measures relating to bankruptcy and insolvency, and to joint stock companies will be laid before you. You will also be asked to consider certain amendments to the Insurance Act, to the Act respecting Dominion Notes, to the Dominion Lands Act, to the Indian Act, to the North-west Territories Representation Act, as also a Bill respecting the land subsidy of the Canadian Pacific Railway Company.

*Gentlemen of the House of Commons* :

I have directed that the accounts of the past year shall be laid before you. The estimates for the ensuing year will also be presented. They have been framed with every regard to economy compatible with the efficiency of the public service.

*Honourable Gentlemen of the Senate :*

*Gentlemen of tne House of Commons* :

I now leave you to the discharge of the important duties devolving upon you with an earnest prayer that being guided by the spirit of wisdom and patriotism your deliberations may, under the divine blessing, conduce to the unity and well-being of Canada.

The House of Commons then withdrew.

## BILL INTRODUCED.

Bill "An Act relating to Railways." (Sir Mackenzie Bowell.)

## THE ADDRESS

The SPEAKER reported His Excellency's Speech from the Throne, and the same was then read by the Clerk.

Hon. Sir MACKENZIE BOWELL moved that the Senate do take into consideration the Speech of His Excellency the Governor General on Monday next.

The motion was agreed to.

The Senate adjourned at 4.30 p.m.

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## THE SENATE.

*Ottawa, Monday, 22nd April, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE ADDRESS.

### Motion.

Hon. Mr. PRIMROSE moved—

That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for His Gracious speech at the opening of the present Session ; and, further, to assure His Excellency that—

We also thank His Excellency for the expression of his satisfaction at again having recourse to our advice and assistance in the administration of the affairs of the Dominion.

We share most sincerely His Excellency's feeling that by the sudden and lamented death of the late Right Honourable Sir John Thompson, Canada has sustained a grievous loss. The deep and heartfelt sympathy expressed by Her Most Gracious Majesty the Queen, and the manifestations of sorrow with which the distressing intelligence was received throughout the Empire, as well as the tokens of esteem and respect everywhere paid to the memory of the deceased statesman, have been gratefully appreciated by the people of Canada.

We learn with interest that, satisfactory assurances having been received from Her Majesty's Government respecting the interpretation of certain clauses in the Treaty of Commerce with France, ratifications will be exchanged as soon as the necessary legislation has been passed.

We are pleased to be informed by His Excellency that the recent action of the Imperial Parljament enabling the various Australasian Governments to enter into preferential trade relations with the other self-governing Colonies of the Empire, affords gratifying proof that the suggestions of the Colonial Conference are being favourably entertained by Her Majesty's Government.

We thank His Excellency for informing us that, in conformity with a recent judgment of the Lords of the Judicial Committee of the Privy Council, to the effect that the dissentient minority of the people of Manitoba have a constitutional right of appeal to the Governor General in Council against certain Acts passed by the legislature of the province of Manitoba in relation to the subject of education, His Excellency has heard in Council the appeal ; that His Excellency's decision thereon has been communicated to the legislature of the said province ; and that the papers on the subject will be laid before us.

We are glad to hear from His Excellency that the depression in trade which has prevailed throughout the world for the past few years has made itself felt in Canada to a less degree than in most other countries. We regret, however, to learn that, although this has not resulted in any considerable decrease in the volume of our foreign trade, yet that, owing to low prices and recent reductions in and removal of taxation, it has been followed by a serious decrease in revenue derived from Customs and Excise. We respectfully concur in His Excellency's opinion that in order to produce equilibrium between revenue and expenditure for the coming year, it will be necessary to observe the greatest possible economy in the appropriations for the various branches of the public service.

We are greatly pleased to hear that, during the period that has elapsed since the last Session of Parliament, Your Excellency had an opportunity of visiting many portions of the Dominion, including the Maritime Provinces, Manitoba, the North-west Territories and British Columbia; that throughout these tours Your Excellency was impressed and gratified by manifestations of an abounding loyalty and public spirit; and that, notwithstanding the phase of trade depression already referred to, you observed everywhere unmistakable signs of that confident hopefulness in the future, based on a thorough belief in the greatness of the resources of Canada, which, you are graciously pleased to say, is one of the characteristics of her people and furnishes a good augury and pledge of further development and progress.

We receive with a deep sense of their importance Your Excellency's statements that the Government of Newfoundland having intimated its desire to renew negotiations looking to the admission of that colony into the Dominion of Canada, a sub-committee of Your Excellency's advisers have recently met in conference a delegation from the Island Government and discussed with them the terms of union, and that it will be a subject of general congratulation if the negotiations now pending result in the incorporation of Her Majesty's oldest colonial possession into the Canadian Confederation.

We thank Your Excellency for the information that measures relating to bankruptcy and insolvency and to joint stock companies will be laid before us, and that we shall be asked to consider certain amendments to the Insurance Act, to the Act respecting Dominion Notes, to the Dominion Lands Act, to the Indian Act, to the North-west Territories Representation Act, and also a Bill respecting the land subsidy of the Canadian Pacific Railway Company. Your Excellency may rest assured that all these matters will receive our most careful consideration.

In entering upon the discharge of the important duties devolving upon us, we join Your Excellency in an earnest prayer that being guided by the spirit of wisdom and patriotism our deliberations may, under the divine blessing, conduce to the unity and well-being of Canada.

He said: When asked to accept the honour of moving the Address in reply to the Speech from the Throne, it was with much trepidation and many misgivings that I consented to make the attempt; and for any shortcomings or imperfections in my effort to discharge the duty which has been assigned me, I crave the indulgence and kind consideration of this honourable House. Of one thing I can assure you, and that is, that I have the best possible intention to spare you the infliction of a lengthy and in all probability desultory speech, and myself the mortification of making so grave a mistake, and in order the better to secure this very desirable end, I shall confine myself pretty closely if not exclusively, to my manuscript, all the more so, that the Speech from the Throne treats of some topics of which I simply dare not trust myself to speak extemporaneously. It must be gratifying I think to the members of this honourable House as an integral portion of the Parliament of Canada, to observe the prominence given by the Queen's representative in the opening clause of the Speech, to the expression of his sense of the value of the advice and assistance which be expects to receive from both Houses, in the administration of the affairs of the Dominion, and so his recognition of the value of our system of government. And, now, I come to a portion of the Speech to which I wish I could speak as I fain would. In the very forefront, in the place in which we should expect to find it, stands His Excellency's eloquent and touching reference to the sudden and lamented death of the Right Honourable Sir John Thompson, with all the sad circumstances attendant upon which we are now unhappily so familiar.

Tragic in its awful suddenness, as well as in many of its surroundings, was the untimely taking off of our late so honoured and beloved premier, when he had just reached the acme of his prosperous and distinguished career. Having heard the voice of his earthly sovereign, and having just passed from her presence, after she had conferred upon him one of the highest honours within the power of even her hand to bestow, he heard the call of the King of Kings, and the Lord of Lords, and to-day our late honoured and beloved premier wears the insignia of an order, higher far than is embraced in all the heraldry of earthly kingdoms and courts, insignia whose radiant lustre not all the attrition of the rolling cycles of eternal ages shall ever dim or tarnish. Yes! His glorious sun did in very deed go down at high noon, and who shall say what the alas now for ever unwritten record of his life might have embraced, of the great and noble in purpose and in achievement, had he been spared to us and to his country. In his death Canada has indeed sustained a grievous loss. Fruitful mother as she is, of honoured, eminent, and worthy sons, she can ill-afford to lose from the family register,

the name of a son so illustrious as he who has left us for ever here, and as she looks upon the vacant chair which he filled with so much credit to himself and honour to her, her sorrows are stirred to their deepest depths, and the fountain of her tears is opened. Reference is made in the speech to the deep and heartfelt sympathy expressed by Her Most Gracious Majesty the Queen. This was made manifest in many ways, in word and deed, but I shall select an incident as illustrative of this, which some perhaps might think a very insignificant one, but which, in my view at least, is so full of rich significance as to almost baffle language to express it. We often use the words "Her Most Gracious Majesty," but with not the smallest approach to an adequate conception of the grand amplitude of their meaning and significance as applied to the present illustrious occupant of the throne of the mightiest, the most intelligent, and the most progressive nation that the world has ever known. Queenly woman! womanly queen! what but the promptings of her womanly mother's heart, drawn out in deepest loving sympathy, induced her on that dark day of trial, to stoop and imprint a kiss upon the pale face of the well nigh heart-broken young girl, who stood trembling before her, dazed under the weight of the awful stroke that took her much loved father from her as in a moment. Does any one say that was a trifling incident? Why, honourable gentlemen, the magnetism of that kiss went tingling like an electric current along the pulses of the world, and evoked from many a heart, far and near, the fervent "God bless her."

Little wonder, honourable gentlemen, that for such a Queen the prayer should often go up from their heart of hearts, from a multitude almost innumerable throughout the bounds of her wide domain, into the ears of the Eternal: "God save our gracious Queen."

I most heartily endorse the statement made in the speech, that the manifestation of sorrow throughout the empire, on the receipt of the sad intelligence of the death of the late premier, as well as the tokens of esteem and respect everywhere paid to his memory have been gratefully appreciated by the people of Canada, and now may we not ask ourselves in this connection as assembled here in Parliament, has Canada as yet done all that might be expected of her in recognition of the eminent services of him who is gone? Would it not be a graceful and fitting act on the part of the Government to make a suitable appropriation for the benefit of those whom he has left behind him? I am not aware whether this would be a departure from established usage or not, but even though it were, the circumstances are so very exceptional that such a course, I feel persuaded, would meet with the approval of the great majority of Canadians, and I would ask the Government to take the suggestion into their favourable consideration.

It will be in the remembrance of the members of this honourable House, that when the French Treaty was ratified, it was stipulated by France that in the event of any trade concessions being made to any third power, she should enjoy the same privileges. The question then emerges, as to whether or no the British colonies were to come under the caption of third powers under the treaty. France was inclined to maintain that they were, but Sir Charles Tupper, the British plenipotentiary in the negotiations, took the ground that this never was contemplated, and that the colonies being part of the British Empire (one of the contracting parties) they could not be considered as third powers, and the speech informs us that satisfactory assurances have been received from Her Majesty's Government respecting this debated interpretation, and an understanding having been reached, final ratifications will be exchanged as soon as the necessary legislation has been passed; and let us indulge the hope that this will result in a very considerable expansion of the trade and commerce of Canada.

I think that we all entertain very pleasant remembrances, of the presence among us during last session, of the intercolonial delegates; and I am sure that those who came in contact with those gentlemen during their stay, could not fail to be impressed with the fact that they were representative men, intimately conversant with the trade requirements of the various colonies which they represented, and keen to extend the circle of their trade relations, where resultant benefits might be reasonably anticipated. Imperial legislation originally existed, whereby they were restricted in their trade relations with the other self-governing colonies of the empire, and it is a subject for congratulation to learn from the speech

from the throne, that the Imperial Parliament has recently taken action, freeing them from this disability, and in this fact we see the first fruits of the Colonial Conference held last year in this city, and are led to entertain the hope that further suggestions emanating from that conference, are likely to receive favourable consideration by the Imperial Government. The fact that Her Majesty's Government was becoming alive to the possibilities likely to result from a mutual interchange of commodities, and the establishment of closer trade relations between the different colonies, even before the conference met, was made manifest by the appointment to that conference of their very able and experienced representative, Earl of Jersey, whose report to his government is believed to have been very favourable. If we associate with these proposed new conditions, the construction of a line of cable between Australia and Canada, it would, I think, be difficult to over-estimate the value of the benefits to accrue to Canada and to the empire at large from such a new order of things. To my mind it is "a consummation devoutly to be wished" and should it ever be achieved, Her Majesty's Government, this honourable House and this country will, I am sure, be ready to acknowledge the debt of gratitude which they will owe to the minister who personally visited these far distant colonies, and by his extensive knowledge of the principles of trade, by his energy and skill, piloted the movement through its initial stages, some day, ere long, we hope, to reach its beneficient consummation. I refer to our distinguished premier and leader of this House, the Hon. Sir Mackenzie Bowell; and as I happen to be the first speaker at this session, I shall take *carte blanche*, and with its permission constitute myself, for the moment, the mouthpiece of this honourable House in expressing to him the ardent wish that he may long be spared to enjoy and worthily wear the honours which Her Majesty has recently conferred upon him, in recognition of his distinguished services, and also to convey to him our warmest congratulations on his promotion to the premiership of this great Dominion, to the discharge of the onerous and responsible duties of which he brings all the ripe fruitage of a long parliamentary experience.

In the matter of the Manitoba School case, the Lords of the Privy Council having decided that the rights of the Roman Catholic minority in Manitoba had been infringed upon, by the provisions of an Act intituled "An Act respecting the Department of Education," and an "Act respecting Public Schools," and that they had the right of appeal to the Governor in Council, and their appeal having been heard, the Governor in Council was pleased to decide and declare, that "it seems requisite that the system of education embodied in the two Acts of 1890, shall be supplemented by a provincial Act or Acts which will restore to the Roman Catholic minority the rights and privileges of which such minority has been deprived," and it is earnestly hoped that the Manitoba Legislature will at its approaching session, enact such legislation as shall remove all ground of complaint, and restore harmony among Her Majesty's subjects in that province.

The speech refers to the depression in trade which has been so general throughout the world for the past few years, and frankly makes the admission, that that depression has made itself felt in Canada. It would be a very extraordinary thing indeed if it had not done so; no nation in the world, however vast may be its resources, however intelligent, energetic, and self reliant its people, is so entirely self contained, so thoroughly independent of existent conditions in other countries, especially in those contiguous to its own borders, as to have complete immunity from a share at least in the experience of such general depression, but we are pleased to know that it is a fact, and a fortunate one too, that Canada has experienced that depression to a less degree than other countries. It has not, however, resulted in any considerable decrease in the volume of our foreign trade, a statement which, I think, will be verified on consulting the Trade and Navigation Returns, but whilst the volume of our foreign trade has not materially decreased, the values have; and as quite a number of changes were made in the tariff from specific to ad valorem, and quite a number of articles transferred from the dutiable to the free list, there has resulted a serious decrease in revenue derived from customs and excise, a condition of matters which as the speech states, calls for the greatest possible economy in the appropriations for the various branches of the public service.

In the next clause of the speech, His Ex-

cellency speaks of his visits made to different portions of the Dominion, since last session. These visits have embraced a very wide range, extending from the Maritime Provinces in the east, to British Columbia in the west, constituting pretty much the scope of the Dominion, and as His Excellency is known to be a very acute, close and accurate observer of men and things, any conclusions at which he may arrive or any opinions which he may express are entitled to very great consideration and respect, entirely irrespective of his high official position, and I am sure that this honourable House is profoundly grateful to him for the very kindly words contained in the speech expressive of his gratification at the manifestations of abounding loyalty and public spirit which were brought under his observation, during his tours. It is emphatically true of our Canadian people, that they are intensely loyal to the British Crown, and to the traditions of the great empire of which they form a part; and that they are characterized by a strong public spirit is abundantly evidenced by what they have accomplished, and not always under the most favourable circumstances. The next paragraph has such a magnificent ring of confidence and hopefulness and cheer about it, that I cannot consent to its mutilation, by merely treating of excerpts from it, and so I quote it in its entirety, "And notwithstanding the trade depression already referred to, I observe everywhere, unmistakable signs of that confident hopefulness in the future based on a thorough belief in the greatness of the resources of Canada, which is one of the characteristics of her people, and which furnishes a good augury and pledge of further development and progress." What leal hearted Canadian does not endorse that inspiring word picture of the condition of matters in his country? Yes, the true Canadian knows well, and appreciates to the full the value of his God given heritage. Where is the country that can compare with her, in the greatness and variety of her resources of sea and land, the teeming earth that yields such bounteous harvests, the untold riches of the mine, the exhaustless wealth of the deep? Little wonder that the true Canadian has confident hopefulness in the future of his country, despite any temporary depression that may exist.

Instead of aggravating that depression, by the expression in word or act, of hopelessness or despondency, or adopting a course which has any tendency to belittle the glorious land in which we live, let us be of one mind about this at any rate, on whatever other matters we may differ, that we will do all that in us lies, to help this Canada of ours onward and upward through all opposing influences and obstacles, emanate whence they may, towards the accomplishment and realization of that magnificent destiny which her almighty maker has so plainly designated as hers.

In regard to the conference recently held in the city, with a view to the admission of Newfoundland into the Dominion, it is I think for many reasons very desirable that she should join the sisterhood of provinces, and so complete the autonomy of the Dominion. Her very important geographical position, relatively to Canada, her wealth of minerals, timber and fisheries, would under ordinary circumstances render her advent into the Canadian confederation a matter for general congratulation; and let us hope that the difficulties which at present stand in the way, may be finally overcome, and the path made clear for the accomplishment of the desired union. It is gratifying in this connection to note that it is proposed to ere long introduce measures in the Newfoundland legislature bearing upon the removal of some of the more important of these obstacles.

We all remember how much of our time was taken up last session in the endeavour to frame an Insolvency Act, which would meet the requirements of the country, and be generally acceptable, and the large number of experienced banking and mercantile men who for so long a period gave the matter unremitting attention, resulting in the bill reaching a stage when it was sent to the House of Commons, where it may possibly have amendments or additions made to it having a tendency to render it more workable.

It would appear that some amendments to the North-west Territories Representation Act are to be proposed, looking towards the providing for increased representation, should the census which is being taken by the North-west Mounted Police in their rounds, show that the population has increased to such an extent as to warrant it. Should events prove that the territories are entitled to an increased representation, it will furnish another index of progress and advancement.

I am personally, as I am sure is this honourable House, in the heartiest accord and sympathy with the sentiments expressed in the concluding paragraph of the speech, when His Excellency in taking his leave does so with an earnest prayer that "being guided by the spirit of wisdom and patriotism, our deliberations may under the divine blessing conduce to the unity and well-being of Canada." The spirit of wisdom and patriotism as exemplified in legislation for the nation is of itself a potent factor, and has accomplished much for them in their past history, and will doubtless work new wonders for them in the coming years; but for our Canada we crave, in addition to that, that the legislation effected in her interests may from its inception to its completion be guided, governed, permeated with the divine blessing, and thus will extreme party acrimony and rancour be largely eliminated from our debates, and from our intercourse, and under such conditions, we shall have the best of all guarantees for the unity and well being of this land which we love so well.

Hon. gentlemen, I have the honour to move the adoption of the address in reply to the Speech from the Throne.

Hon. Mr. ARSENAULT—If the hon. gentleman who has just spoken has found it necessary to ask the indulgence of the hon. members of this House, I also ought to ask such indulgence, and more particularly as this is the first time that I appear before this honourable body, and, therefore, have not very much to say. However, as it is my duty to offer a few words, I will proceed. The first item in the speech is a very sad one, as it has reference to death, nothing so certain as death, and nothing so uncertain as the time that it will happen. It has no regard for persons or positions; it enters the palaces of kings, as well as the huts of the poor, and often strikes at a time when least expected. Within the last four years no less than three of our ablest statesmen have passed away, Sir John Macdonald, of happy memory, the founder and father of confederation, the able statesman and the beloved leader of his party is no more. It has been often said of him that he was the only man in the Dominion who could maintain the Liberal-Conservative party in power, and that after him there would be "the deluge"; but he has gone and the deluge has not come. Sir John Abbott, next appeared on the scene as the leader of the Conservative Government, a man of fine abilities who commanded respect and influence; but after one session of Parliament owing to ill-health he resigned the position and shortly after was called to his long home. These two statesmen died full of years and honours, in the midst of their dearest friends and families.

The death of Sir John Thompson was particularly sad. He was stricken suddenly and without warning in the prime of life, thousands of miles away from his country, from his friends and family, at a time when he had just attained to the highest honour that can be conferred by our Queen. The people of Canada were shocked and astounded when the melancholy news of his death was flashed to us from over the ocean. Our people lamented the sad death of the brilliant statesman, our sovereign mourned the demise of her able and faithful councillor, and all that could be thought of by her to show her sympathy and love for her illustrious Canadian son, was done in the most costly and elaborate manner possible, I need not say anything of the royal conveyance which was given his mortal remains, to their last resting place in the land of his birth under, I might say, the supervision of Her Majesty herself. Such sympathy and such love of her subject by our Queen, well deserve our most unbounded love and loyalty. Sir John Thompson is no more; his deeds only remain.

It is satisfactory to learn from the speech of His Excellency that negotiations are being carried on with foreign powers, and the different colonies of the empire, for the development of better trade relations with the Dominion, thus showing that the colonial conference held here about twelve months ago has been productive of some good.

For some time past dissatisfaction has existed in the province of Manitoba, owing to an Act of the legislature depriving the minority of that province of their rights and privileges in educational matters. These rights were embodied in the constitution of that province, and were guaranteed by the Parliament of Canada. The policy of the majority of one denomination, attempting to coerce the minority in educational matters, is, I think, to be deplored. Until 1890 all denominations in that province were living in unity and peace, since then a large portion of the population have not enjoyed

the same benefit from the school tax that they had enjoyed till then. The question has been before the courts of the Dominion and finally been carried before the Privy Council of England, where the question was decided in favour of the minority. The remedial order has been argued by counsel on either side before the Privy Council of Canada, and the remedial order has been sent to the Manitoba Government for necessary legislation in accordance with the decision of the Privy Council of England. Let us hope that the legislature of Manitoba will view the decision in a spirit of fair-play and that the question will be satisfactorily settled for all time to come.

The fathers of confederation had in view the possibility that the ancient colony of Newfoundland would at some time form part and parcel of the confederacy, but up to a recent date the people of that province had shown no disposition to be united to the Dominion of Canada. Latterly, however, the sentiments of the people seem to have changed, and they have sent delegates to discuss terms of admission into the union. Let us hope that such a union may be consummated, thereby completing the confederacy of the British possessions on this side of the Atlantic. Newfoundland being the key, as it were, of the Gulf of St. Lawrence, will be a valuable acquisition to the Dominion. The resources of the island are many and extensive, and a large interchange of commerce will undoubtedly take place when brought under the same tariff as the other provinces. Thanking hon. gentlemen for their indulgence, I will conclude my remarks by seconding the motion before the House.

Hon. Mr. SCOTT—This House is always very considerate in listening to the utterances of hon. gentlemen who for the first time are called upon to address this chamber, recognizing that in doing so they experience some degree of embarrassment. I think we must all feel that both the mover and the seconder of the address in reply to the speech from the Throne have discharged their duty with very good taste and judgment. The hon. Senator from Pictou is not a new member of the legislature. This I believe is the third session that we have had the pleasure of listening to his voice. I remember on many occasions having listened with a great degree of pleasure to the hon. gentleman when he expressed his opinions without the aid of notes in this chamber. I think I may offer, therefore, on behalf of the House, our congratulations to both gentlemen on the way in which they have discharged their duties. They are not responsible for any of the shortcomings of the address which His Excellency's advisers have seen fit to present to Parliament, and I think it must be apparent to all of us who have given any thought or consideration to the address that there is one very important subject that has been omitted, that is to say, it contains no apology to Parliament for the late date at which it has been summoned. It is part of the unwritten law of this country that the Parliament of Canada should be summoned not later than the beginning of February, following the precedent of the British Parliament. During the years when the Liberal administration was in power (excepting the year in which the election took place) Parliament was always called together by the beginning of February usually the first week or early in the second week, and that good example was kept up from 1878 downwards. I have here a memorandum of the dates at which Parliament was convened year by year, from which it will be apparent that that has been the recognized practice in our constitution. It is very well known and has often been alluded to in Parliament that it is necessary to summon the legislature at a period when it is convenient for public men to attend and when there would be the least interference with the business interests of the country. In 1879 Parliament met on the 13th February, in 1880 on the 12th February, in 1881 on the 9th December. In that year it was prorogued on the 21st March nearly a month earlier than we have been called together this year. In 1882 the House met on the 9th February; in 1883 on the 9th February; in 1884 on the 17th January; in 1885 on the 29th January; in 1886 on the 25th February. In 1887 instead of calling Parliament together the government—I will not say with the view of getting a snap shot at the electors—unexpectedly dissolved Parliament instead of calling it together. The House was called on the 13th April, but even in that year the date was earlier than during the present year. In 1888 it was the 23rd February, and in 1889 the 31st January. In 1891, when hon. gentlemen opposite suddenly dissolved Parliament, as was then publicly an-

nounced, with the view of completing a treaty at Washington, the House was called together on the 29th April after the elections had been held. In 1892 we went back to the normal period 25th February; in 1893 it was the 26th January. Last year it was later than it has been any year previously, the 15th of March. In that year the Premier felt it his duty to explain the reasons that had induced His Excellency's advisers to summon Parliament at so late a date. The reason assigned was that they were revising the tariff, and it was necessary for a committee of the Government to meet the people of Canada, that it was quite impossible to prepare the reports of that committee any earlier, as it involved the revision of no less than 900 or 1,000 items of the tariff. That was perhaps a good reason, but the instance shows that it was recognized by the then leader of the political party at present in power, that Parliament ought to be called at an earlier period. Now, it is no secret, I think, that this Parliament was somewhat unexpectedly summoned. It was pretty thoroughly discussed by the journals which had the ear of the Government, and we even had intimations given by some members of the Government themselves that there would be a general election. We all know that the voters' lists were being hurriedly prepared, that the Printing Bureau, here, was extremely busy, that all the staff that could be obtained was employed in getting the lists ready for a particular day. So great was the hurry that the lists of Toronto and Montreal had to be sent to local newspapers. Suddenly, from some cause or another, of which we are not informed, instead of dissolution we have a session. I think it would have been only fair that the people of Canada, and more particularly the people's representatives, should have been taken into the confidence of the government and some explanation offered them, why it was that dissolution did not take place and that Parliament has been summoned at so late a date. I am quite aware, however, when I read the explanations made elsewhere, that excuses have been found for this state of affairs. These excuses refer to a number of subjects, the much discussed Manitoba school question being one of them. Another was that the conference with Newfoundland was taking place, but I would point out that the conference did not begin till long after the time for summoning Parliament had passed by. Long after the period when the Parliament should have been called together, the delegates came up from Newfoundland to discuss the question of that colony's entering the Dominion. I really think it is due to this House that some explanation should be given of the reasons for the late meeting of Parliament.

We all share in the very touching and beautiful observations made by the hon. member from Pictou (Mr. Primrose) in reference to the second paragraph of the Speech of the Throne, that relating to the death of Sir John Thompson. We all share in the feeling that animated him in making those observations respecting the tragic event. There can be no doubt whatever that Sir John Thompson's sudden death evoked an extraordinary feeling of deep sorrow and sympathy over the length and breadth of Canada, which I feel safe in saying was shared in by all parties irrespective of race, religion or politics. Sir John Thompson was no ordinary man. Highly endowed by nature, he was possessed of those other qualifications which are so essential to success in life. In his early years he was favoured by no extraordinary or adventitious circumstances. His rise in life was due entirely to his own probity of character, his talents and industry. He occupied the first position as a reporter in the chamber of the legislature of Nova Scotia. It was not many years after, that he became a member of that House, rising rapidly to become one of the Executive Council of his native province, and stepping on from that position to the premiership of the province. Few men had as rapid a rise, and he occupied the highest position by the universal consent of his fellow-citizens. Soon after that he was appointed to the Supreme Court of the province of Nova Scotia. During the few years that he was a member of that body, he elevated the judicial tribunal to a very high standard. Ten years ago he was comparatively a stranger outside of the province of Nova Scotia. It was due to his marvellous knowledge of men that the late Sir John Macdonald selected him as the very best man to fill the position of Minister of Justice. At the time, the selection was carped at. People asked who was John Thompson. Sir John Macdonald's answer was "wait until you know him." He had been in Ottawa but a comparatively short time when the wisdom of the selection was

exemplified by the manner in which he discharged the duties pertaining to his position. Afterwards when, on the death of Sir John Abbott, he was called upon to fill the position of Premier, it is universally admitted that he had won the respect and esteem, not alone of those with whom he was politically allied, but also of those of the opposite side of the House. He came here under a disadvantage. There was, unhappily, a prejudice against him, because he had, from a conscientious feeling, adopted another religion. It is gratifying, and a compliment to the people of this country, to say that when they knew Sir John Thompson, they recognized that that should no longer be a barrier to the esteem in which he should be held. They recognized that he was simply obeying his own conscientious conviction, and he lived down any prejudice that had arisen from a hasty conception of his character. Sir John Thompson's name will long live in the history of Canada. His high character; his pure and unsullied life—the reputation he made for himself in serving not alone the Dominion of Canada, but the empire at large, point him out as a model that may be copied by the young men of this country, because it was through his own merits alone that his elevation to the high position he attained was due. The honourable Senator from Pictou has alluded to the circumstances under which Sir John Thompson died, and to the fact that the country ought to consider the position in which the late statesman left his family. We know that Sir John Thompson, with his great abilities, had he chosen to devote them to business pursuits, instead of giving up his life to his country, could have amassed a fortune to protect his family from want in the future. It is very well known that with ample opportunities to become rich he died a poor man, and although some generous friends have already contributed towards the maintenance of his family in the degree of life in which they have for some time lived, yet, I think it would be but fair and reasonable that the country should be called upon to supplement that, in order that they may feel that Canada was not ungrateful to one of her best sons. I do not quite understand the next paragraph in the speech which refers to our treaty with France. That treaty was made on the 6th February, 1893—over two years ago. The House sat that session until the first of April, and the treaty was discussed to some extent, but was not adopted. Last session the treaty was adopted, and it was understood that it should go into operation forthwith. The delay, I understand, is due to some extent to the claim of France to be put on the same footing as the colonies of the Empire in dealing with Canada. Of course, Canada would not consent to that and whether France has conceded that point, we are not informed in the paragraph in the Speech from the Throne.

The reference to the Manitoba school question is a very non committal one. Hon. gentlemen will remember that it is now over five years since the question became a burning one—over five years since Manitoba passed an act taking away from the minority those rights that they had supposed were secured to them under the treaty made with Canada in 1871—a treaty which was ratified by the Parliament of Canada in the legislation known as the Manitoba Act, and confirmed by an imperial statute. It is unfortunate that this question was not dealt with promptly at the time. I cannot but feel that had it been so disposed of promptly, we should have had no protest whatever on the subject. I cannot take the view that the question of provincial rights arises in this case at all. I just ask hon. gentlemen to consider for a moment what would be thought if the Quebec legislature were to pass an act taking away from the minority of that province the privileges that they have enjoyed, not alone under the British North America Act, but under local legislation passed by the provincial legislature since confederation? Would it have taken five years for the majority of the people of this country to have discovered that a wrong had been done them? I just put that question now to the majority of the people of Canada. Would they have permitted five years to go over when they knew, not alone that the dissentient schools had been abolished, but that the school-houses erected with the money of the minority had been confiscated and the funds placed in the banks by the trustees of the minority had been roped in by the provincial treasurer—what would have been the indignation in all parts of the Dominion? Would any government dare, under such circumstances, to say "you must go to the courts. It is quite true it will take five years

before it goes through all the courts, where they will make confusion worse confounded —more particularly if it goes through the Privy Council—and when it comes back we will consider what ought to be done." Yet that is the case to-day. Do you consider it at all consistent with what is proper, or the construction which ought to be put on the Manitoba Act? There are living witnesses—one or two in this chamber now, at all events—who are cognizant with all the circumstances that attended the passage of that legislation in 1871. They knew that they were voting to decide whether separate schools should be given to Manitoba or not. Some were of opinion that they should be given, others that they should not, and finally, after discussing the question in plain, simple language, and conceding that if the clause were not struck out the effect would be that the provincial government never afterwards could interfere with or disturb the act, the legislation passed through Parliament. One of the most distinguished legislators of the day, the Hon. Wm. Macdougall, then a member of the House, and who had been one of those who attended the conference at Quebec and at London drafting the British North America Act in which a similar clause occurs, said to the House of Commons on that occasion: "If you pass the Act in that shape and do not accept the amendment to strike out that clause, the effect will be that for all time to come the provincial legislature of Manitoba will be powerless to disturb by one iota the rights that the minority now enjoy." We have not to go back to history for these facts. The men are alive to-day who not only listened to the debate but drew up the clauses, and to their honour be it spoken, the majority of the Protestant members of Canada—wholly excluding the province of Quebec—a majority of the Protestants of this country said: "It is only fair, and it is part of the conditions under which the province of Assiniboia is coming into the confederation, that this concession should be made." They did not hesitate to say so, and by a large majority, exclusive of the Roman Catholics, voted in Parliament that it would tend to greater harmony and friendship and happiness in that country if the same rights that were conceded to the minority in Quebec and the minority in Ontario were granted to the Roman Catholics in Manitoba. In view of these facts, does it not seem extraordinary that at the end of five years—yes, more than five—we are still debating most tenderly and delicately, fearful that we may trespass on somebody's prejudices, whether we shall carry out what we solemnly agreed to do among ourselves in 1871. That educational Act which was repealed by the legislation of 1890, was passed in Manitoba at either the first or second session after the province entered the union, and was on the lines of the Act as we understood it in 1871, and not as they claimed to understand it twenty years later. Who were the men who were right? The men who interpreted the Act when it was passed originally, or the men who are discussing it to-day? Did we undertake to deceive the people of Manitoba when we gave them a writing saying that we undertook to carry out this, but in our own minds and hearts declared that when we should be powerful and strong enough in Manitoba, and the Roman Catholics should be a weak minority, we would take from them those privileges which we conceded by the Act of 1871? No man who values the honour and dignity of his country ought to hesitate for a moment in appreciating the true position of the question. It is this unfortunate attempt to trench upon the rights of the minority that has caused all the trouble. I say there are no provincial rights when the rights of the minority are at stake. It would be absurd to propose in the province of Quebec to take away from the dissentients the rights that they enjoy, and to say "let the minority go to the courts, and five or ten years hereafter they will probably be able to convince the majority that they are right and the legislature is wrong." Is that what honourable people should propose, or tolerate, or permit? I think this subject ought not to be viewed from a political standpoint. I make no adverse criticisms on the line which those gentlemen took who advised the course that was taken in 1890. I believe myself it was not thought that any tribunal would be formed that would take any other view than the one that the people of Canada then understood, and that was the reason that it was allowed to go. Of course, had it been for a moment assumed that the question would go before a tribunal that did not understand our constitution or did not seem to take the trouble to become familiar with the subject, it never would have been permitted to remain in doubt. It has been very unfortunate because it is

now an extremely difficult and delicate question to settle. I quite appreciate all the surrounding difficulties that have grown up and the prejudices that exist and the utter impossibility of making the great mass of the electorate comprehend the question. We all know that in sentimental questions of that kind, where prejudices arise, we cannot reach the calm judgment of the electorate. They are carried away by the first impulses of their nature, and the impulses follow their prejudices. It is very unfortunate and very unhappy, and I cannot but regret the course which has been pursued by the Government of Manitoba. It has certainly not been that of a judicial body disposed to fairly consider the question. Without even reading the papers they took a high and lofty stand under the impression that they have the power to dictate to the minority and they take their stand on the narrow ground of provincial rights. The Judicial Committee clearly set forth that it is not a question of provincial rights, that the provinces have not the right, under certain circumstances, to legislate on the subject of education. If they had the right they could do as they pleased, but why is it, under the British North America Act and the Manitoba Act, that those powers were taken from the province? They were given control of education under certain circumstances and conditions. When those circumstances or conditions are in any way disturbed or endangered, then the province does not possess the power. There can be no encroachment on provincial rights in such cases. It is not given to the province absolutely to deal with them. The power is reserved. Read all the clauses of the 92nd section of the British North America Act and only on that one subject is the power reserved to the federal authorities. There are one or two subjects on which there are equal powers given to both parties, but there is no other question but that of education on which there is a power reserved to the Federal Government to interfere, and therefore there can be no question of provincial rights in this case. It does not arise, and the decision of the Privy Council is very distinct in that part of the judgment. It would have been more satisfactory if the government had stated what their policy was. This paragraph leaves it just where it was. It has been unfortunate that this subject for five years has been practically hung up and tossed about from one court to another, and from one government to another, and we are in a very much worse position now than we were five years ago to deal with it.

The next paragraph of the speech admits that the "N. P." is a failure—that it did not stop the depression. There was a time when the hon. gentlemen who draughted this address thought differently—thought that we could be made rich by Act of Parliament—that all we had to do was to reserve Canada for the Canadians and shut out all foreign competition and we should be happy, but I think the admission made in this paragraph seriously conflicts with the prophecies we then had. It certainly has not stopped the exodus, and it has not furnished a home market that is worth very much, nor has it filled up the North-west. These are lamentable failures with which the National Policy has to be charged. The Government admits that even with the National Policy it is possible to have a deficit, and so we are told that this is due somewhat to the lowering of the duties last year. I think, from my standpoint at all events, the question of a deficit, even in the condition in which Canada is now, could have been easily got over if we desire to encroach upon the manufacturers. It would have been very easy to relieve the people of this country from their burdens and yet to have a surplus.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. SCOTT—My hon. friend laughs at this. I could name half a dozen articles which, by reducing the duty on them one-half, would yield a revenue that would more than cover the deficit. There is no doubt about that—all the six millions. Not only that, but you would relieve the people of this country from the payment of thirty or forty millions of dollars that they are paying now to those protected industries. The pinch in Canada to-day is due to the fiscal policy—the absurd proposition of subsidizing about three per cent of the population and compelling the 97 per cent to pay them a part of their earnings. That is practically what we are doing to-day. People do not understand it, and therefore they do not know where the pinch comes in, but if anybody chooses to analyse it, he will readily see that where you force the body of the people

to buy certain articles in Canada at a higher rate than they could buy them elsewhere, they are paying just so much more than their value to the Canadian producer. I do not propose to enumerate the articles just now, but I could very readily do it.

Hon. Sir MACKENZIE BOWELL—Give us the articles.

Hon. Mr. SCOTT—I do not want to go into a discussion on the trade question, but I have been challenged to name a few of the articles. If you reduce the duty on the cottons that come into this country, you will double—more than double, you will quadruple the importation. Take the duty off woollens, and you will have the same result. Take the duty from iron, and you will more than double or quadruple the importation. Of course it will not suit the woollen and iron men.

Hon. Mr. ANGERS—And it will feed the workingmen!

Hon. Mr. SCOTT—The workingmen are not getting the advantage that the protected industries are supposed to give to them. Workmen will find other industries that do not need protection. What do the exports of Canada consist of? Do they consist of woollen, cotton and iron manufactures that are being protected by the fiscal policy of Canada? No, they consist of the produce of the farm—cattle, butter, cheese—and of the products of the mine and the forest that are sent abroad. Does the fiscal policy help any of these industries? Our cheese exports have been going up steadily from year to year. The demand for our cheese is increasing in the British market, and more of our people are going into that industry every year. It is one of the best industries that we have, and our people are now educated up to making a very superior article. There are other articles which they could produce which would give relatively as great a profit. The fiscal policy does not help the lumbermen who cut down the trees and convert them into boards. The national policy taxes them and all their operatives, and the same way with all our natural industries. They are steadily prejudiced by the fiscal policy of the Government because they are paying high figures for all the articles they consume, which are protected by the policy of the Government.

Hon. Mr. KAULBACH—What?

Hon. Mr. SCOTT—I presume they buy woollen goods. Whether they buy sugar or not I do not know, but they take a great many other things. It is these natural industries that make up our wealth. The manufacturing industry does not contribute $10,000 a year; in fact it contributes no sum whatever and therefore, I say, it is a very easy matter, if one chooses to revise the tariff and reduce the rate of duty, by that means to more than quadruple the consumption. Cheapen the article and the consumption becomes greater. When articles are dear, people cannot buy them; if you cheapen them, then you at once add to the consumption. It does not need any special philosophy to prove that. On coal oil I think we are now paying from 75 to 80 per cent above its value.

We all join in that part of the address which refers to His Excellency's visit to the other portions of the Dominion, including the Maritime Provinces, Manitoba and the North-west Territories. It is pleasant to note that His Excellency and Lady Aberdeen, I may add, take such a very warm interest in the growth of Canada and in all that tends to its social development. They have ever manifested a deep interest in the prosperity of the country and have in a comparatively short space of time become exceedingly friendly with the Canadian people. We are therefore glad that His Excellency has enjoyed his trip throughout the Dominion.

In reference to the paragraph of the address which speaks of the possible admission of Newfoundland into the Dominion, I may say that we shall all be glad to receive Newfoundland into this confederation. Of course it is only a question of terms, and it is to be hoped that a settlement may be arrived at on a fair and reasonable basis. The two important questions for consideration, no doubt, are the financial one and the unfortunate French shore question. The financial one, I think, could be satisfactorily got over, but I do not propose to discuss what is possible just now, because we are not in possession of sufficient information. Whatever exchange of ideas took place at the conference at Ottawa was necessarily confidential, and, therefore, we are not in a position to discuss the matter in detail. We all, however, recognize that the French

shore question, relating as it does to an extent of over 800 miles of the coast of Newfoundland, is a very grave one. The rights of the French, while very small at first, have through encroachments from time to time during the past 100 years, grown until they have acquired—I will not say a prescriptive right — privileges other than those given them by the treaty. Yet we all know how difficult it is to take away privileges which have been enjoyed for any considerable length of time. I have heard it stated informally in another place that the French shore question is likely to be settled. If this is true, and I am sure we all hope that it may be, there can be no real or substantial grounds why Newfoundland should not enter into confederation. It would, no doubt, be in harmony with the views and aspirations of Canadians, and I trust also of the people of Newfoundland, and the feeling would be shared by the mother country, because we all know that it has been the policy of England at all times to favour the federation of the various provinces for the reason that fewer complications are likely to arise under confederation than where the country is subdivided into a number of different colonies. I do not see that there is anything very important in the shape of legislation to be laid before us which would afford a pretext for postponing the meeting of Parliament. The principal measure that is mentioned in the speech is that relating to insolvency and that we all know was pretty well threshed out by the members of this chamber last session, when we spent a couple of months in considering the question.

Having made these few comments on the speech, I now come to a pleasanter task. I cordially join in the observations made by the hon. gentleman who moved the address, in the encomiums uttered with regard to the leader of this chamber, and I take the opportunity of expressing my gratification—since we must have a Conservative leader under present conditions—that the choice has fallen upon him. I tender him my congratulations and the congratulations of those who sympathize with me politically on the recognition of his services which has been extended to him by our sovereign. I hope he may long live to enjoy that recognition, but further than this I cannot go. The hon. the mover of the resolution, with very good taste, (considering the political party with which he is allied) expressed the hope that the present premier would long retain his position. While we applauded him on several other sentiments we were obliged to remain silent with regard to that one. I have a great regard for this country and I believe its prosperity is being seriously retarded at present by his policy. I know my hon. friend is a protectionist and while I recognize that he is so because he believes firmly that that is best for the country, yet, holding the conviction that a change of fiscal policy would be beneficial, I am afraid I cannot join in the hope so eloquently expressed that he may long continue at the head of the administration. Whatever mandate the electors may give after another election—whether they endorse the policy of the government in the past and so give my hon. friend the leadership for another five years, or whether they reverse the policy of the country which has prevailed for so long, causing my hon. friend to be cast into the cold shades of opposition—I will do him the credit to say that whether as a member of the government or a member of the opposition, I believe him to be actuated by high and conscientious motives and that he will act in all cases in what he believes from his standpoint to be the best interests of the people of Canada.

Hon. Sir MACKENZIE BOWELL—Permit me first to compliment the hon. gentlemen who have moved and seconded the address in reply to the Speech from the Throne. I regret my inability to deal with the subjects before the Senate in the same eloquent manner as these gentlemen have done. Before referring more generally to the remarks of hon. gentlemen opposite, I have to thank my hon. friend from Pictou (Primrose) as well as the hon. the leader of the Opposition for the personal remarks which they were pleased to make in reference to myself. No member of this chamber feels the high responsibility devolving upon him more deeply than I do. When I consider for a moment the illustrious gentlemen who have been prime ministers of this country since confederation, I must say that I feel my utter inability to occupy the position and to perform the duties attaching thereto in the manner in which they have been discharged by my predecessors. Those who have given attention to the history of this country and have watched its progress,

know to whose great ability its prosperity is largely due, and they must come to the conclusion that the names of those hon. gentlemen who have formerly occupied the position of premier of Canada will last for all time to come. As long as history shall exist, Sir John Macdonald's name will not be forgotten. Following him came a very practical, sound, level-headed man in the person of the late Hon. Alexander Mackenzie. I can truthfully say of him, as the hon. the leader of the Opposition has been pleased to say of myself, that although I differed from him in almost every act of his political life, although I regarded him as an extreme free trader-- I had almost said a Scotch Radical—he was ever actuated by the best and purest motives, and in all his actions in the high position which he held, he did what he believed would be for the best welfare of the country. At the end of his term of office he was succeeded by Sir John Macdonald. After his demise came a man eminent in his profession, who had scarcely a peer at the bar—one whom we all knew and revered and whose talents were appreciated and respected everywhere—the late Sir John Abbott. Following him came one with whom it was my good fortune to be intimately associated during the whole of the period he was a member of the Conservative Administration. I am therefore in a position to say, that the opinion which has sometimes been expressed, that Sir John Thompson was somewhat bigoted in his views, could only have emenated from those who knew little or nothing of him. A man of broader views, a man of keener intellect, a man who desired to treat all classes of the community more equally, never, I believe, lived in Canada. Nova Scotia has cause to be proud of such a son. I shall not indulge in any further eulogy of the departed statesman. No one grieved more than I did when I heard of his untimely death, and I can truthfully say that ever since, I have not ceased to regret his untimely end particularly on account of the great loss which Canada has sustained, and from the fact that his onerous and responsible duties have devolved upon my shoulders ; but I can say to hon. gentlemen that whatever my defects may be in the important position which I now hold, that I shall continue in the future as I have endeavoured in the past, to do my duty to my country as far as in me lies, firmly convinced when I adopt a course of action that it is right, and that it is conducive to the advancement of the best interests of the Dominion. Of Sir John Thompson I can say very little more than to utter the deep regret which pervaded all classes of the community when the news of his sudden death was flashed across the ocean. It was a tragic ending. He was a man who rose, as the hon. leader of the Opposition has said, to the highest position in the House by his industry, energy and integrity, and the country will long have cause to regret that he was removed so suddenly from the sphere of action in the administration of the affairs of this country. Having said this much, I may refer very shortly to the remarks made by the hon. leader of the Opposition with which, I may say, I have very little fault to find. We all know that the duty of an opposition is to find fault, and, therefore, while he grumbles we should not be at all annoyed. He was very mild, and his remarks were a repetition of the remarks of the leader of the Opposition of the other House, and, consequently, are not new. We have heard a good deal about the unwritten law of Parliament. We know that the constitution under which we live is of an elastic character, and therefore preferable to that which is written and which is obligatory upon all governments as is the case over the border.

The death of the Right Hon. Sir John Thompson, the then leader of the government, threw matters into a state, if not of chaos, at least disarranged matters to such an extent that time was required for consideration. The hon. gentleman says that the delegates from Newfoundland left for Canada after the calling of Parliament. That is very true, but he might also have stated that we had been in communication with the governor and the Government of Newfoundland for the last two months, and also with the authorities in England with reference to this very question, and I should have been only too pleased had we been enabled to come to the House with a series of resolutions for the admission of Newfoundland into the confederation. However, that is impossible at the present time, for reasons, which I am not at liberty at the present moment to divulge ; but I hope that the time is not far distant, when the Dominion will be rounded off by the accession of Newfoundland to its territories, believing, as I do, that it will add greatly to our

country and prove beneficial to the people of Newfoundland themselves, and it will place us in a position to treat the questions with which the country has to deal in a more effectual manner than at present. The hon. gentleman said that he did not understand the paragraph in the speech in reference to the treaty with France. It is quite true that the question arose as to whether the treaty was being made between France and Canada or between France and the mother country. If between France and the mother country, the question was whether the colonies might be considered as a third party or not. That has been set at rest by the interpretation given to it by the imperial authorities. But there was another question which required legislation before the treaty could be put into full operation, and which the imperial cabinet desires to have placed on the statute-book before they can ratify the treaty with France. I think it is unfortunate, but it is the fact that in the favoured nations treaties which were entered into between the German Zolverein and some other countries, Belgium among them, there is a provision that a British colony cannot give concessions to the mother country or to any other country in its tariff legislation, that are not given to those nations which are parties to those treaties; and Great Britain asks that Canada, in the present instance, make the concession to those countries which are parties to those treaties, before the ratification of the treaty, and it is only within the last month or so that we have been placed in a position to say to the mother country that we are prepared to accede to their request. Hence, it will be necessary to insert in the tariff resolutions a clause which will give effect to that, or to introduce a short bill declaring that the countries which are parties to the favoured nations treaties shall have the same rights and privileges that are given to France. That is what is meant by the paragraph to which my hon. friend alludes. I sincerely regret the tone, although very mildly uttered, in which the hon. gentleman opposite alluded to the vexed question of the Manitoba schools. A moment's reflection would have shown him that if he were true to the party to which he belongs, and of which he is the honoured leader in this House, he would not have given utterance to the sentiments which pervaded his whole speech. The five years which have rolled around since this question came before the public have been occupied in going through the courts from one appeal to another, and, when he tells us that there should have been no difference of opinion as to the powers and authority of the province of Manitoba he forgets—or if he did not forget, he failed to give expression to the fact—that these differences of opinion existed in the highest courts of the land; and he should also have told us that when this question first loomed up, his great leader, the Hon. Edward Blake, in the House of Commons, introduced a resolution to remove the question altogether from the political arena, and take it out of the power of any legislature to declare that interference with the rights of the minority in any province should be dealt with by the administration. His resolution, so clear and distinct in its character, was accepted by the leaders of the opposition, and by Sir John Macdonald, and all parties believed that this question of sentiment would have been removed from the political arena altogether and left to the courts to decide. He is not in accord, either, with the sentiments expressed so often by the hon. leader of the Opposition in the lower House. Scarcely a speech has that hon. gentleman made in which he has not affirmed strongly his belief in what are termed provincial rights. My hon. friend says, and I fully concur with him in the sentiment, that it is with the greatest reluctance that any government should interfere with the rights and privileges given to a province under the constitution which governs it. Mr. Blake, when he moved the resolution to which I refer, declared that he had but one object in view; that he had no desire to embarrass the government at the time, his only wish being to avoid the introduction of a disturbing element. He had no desire to embarrass the government of the day, but seeing the difficulties which were arising in Manitoba upon this very school question, he proposed, as a true statesman, to remove it from the arena of politics.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—It was in 1890, the very year that this Manitoba Act was passed. As my hon. friend on my left says, it was one month after the passing of that Act. Mr. Blake saw the difficulties arising—saw the political animosity that

would be engendered by the discussion of a question of this kind, for no matter what our religious views may be, whether we are Roman Catholic or Protestant, the moment you touch a question affecting a man's conscience, you rouse the most stubborn passions in his nature. Desiring to remove that vexed question from the political arena and take from the administration the power to deal with it, he moved the following resolution—

Hon. Mr. SCOTT—I spoke for myself. I think Mr. Blake would admit now, in the light of subsequent events, that he made a mistake when he proposed that resolution. I think the experience of the last five years would convince any one that it was a mistake.

Hon. Sir MACKENZIE BOWELL—It is not for me to vouch for the stability of Mr. Blake's opinion any more than I would for that of the hon. gentleman. We are all apt to change to a greater or less extent. It is only a question of time as to how it may affect us. However, Mr. Blake in his resolution said :

> It is expedient to provide means whereby, on solemn occasions touching the exercise of the power of disallowance, or the apparent power as to educational legislation, important questions of law or fact may be referred by the executive to a high judicial tribunal for hearing and consideration in such mode that the authorities and parties interested may be represented, and that a reason or opinion may be obtained for the information of the executive.

Now, that is precisely the course that was followed by the administration on this question. I might quote from Mr. Blake's remarks, in which he proved beyond a doubt what his intentions were, and his great desire to prevent the introduction of those semi-religious or educational questions, and their being dealt with by the executive for the time being. My hon. friend says that in 1871, when the Separate School Act was enacted by the province of Manitoba, they then understood what they were doing. I quite agree with the hon. gentleman on that point, and I quite agree with him that they knew in 1890 what they were doing. It is a matter of satisfaction to me to know that the Conservative party in 1871 were in power in Manitoba, and that they were desirous of maintaining intact the obligations into which they had entered when that province came into the confederation, and it may also be a satisfaction to the hon. gentleman to know that it was his party that was in power in 1890, when they violated the agreement into which they had entered when Manitoba became a province of the confederation. So it has been from the beginning with that party. If the minority in any province expects to have its rights preserved, whether that minority be Roman Catholic or Protestant, it will have to look to the Conservative party which has controlled the destinies of Canada since confederation, with the exception of five years. Minorities will have to look to the Conservative statesman to maintain those rights. Although I am not an advocate, nor am I in favour *per se* of separate schools, yet I hold that the word of the sovereign, when pledged, whether it is in accord with my particular sentiments or not, should be held inviolate in the governing of the country. The hon. gentleman referred to the debate which took place in 1870, and he stated correctly the opinions held by members of the House of Commons at that time. I remember the discussion well. I took the same position then that I take to-day, and the same position that I maintained in 1863, when I was defeated in my own county. I stated to my constituents then, that if the question was whether we should establish separate schools in this country or not, I should vote against it. But separate schools having been established, I would not be a party to depriving the minority of the rights that they had acquired under the constitution which governed them. I expected that the hon. gentleman would do as Mr. McCarthy did when he argued the question before the Privy Council—point out how I had voted on that question. I remember that debate. Mr. MacDougall stated distinctly that the passing of the Act without amendment would be a perpetuation of the separate schools in Manitoba. Mr. Chauveau, Mr. Cauchon and others took the same line, and it proves to my mind, and it must prove to every reader of that debate, this important fact, that when the resolutions were introduced, admitting Manitoba into the confederation, it was believed at that time that we were granting the same rights and privileges to the Roman Catholics of Manitoba that had been granted to the minority in Quebec and to the minority in Ontario in relation to schools. It was for that reason, believing that we were making that concession to the Roman Catholics to

that province, that I recorded my vote as I then did, and I trust the day will never arrive when the party with which I am connected will violate any agreement into which they have entered. The minority who did not obtain their wishes at that particular time should not forget that this country has to be governed by the majority, and in the interests of the whole, and not in the interests of the few. I might enlarge on this question, but I do not think it at all necessary to do so. The government took the strictly constitutional course in reference to the Manitoba School Act. I am a very strong believer, as Mr. Blake is, in provincial rights, and it was for that reason that I was obliged in 1888 to record my vote (nearly getting defeated by my constituents, subsequently for doing so) in support of the contention of the province of Quebec in regard to the Jesuits Estates Act. I believe that the province of Quebec had a perfect constitutional right to pass that Act, and that they acted within their powers. They were disposing of their own moneys, and I took the view that it was none of my business in what manner they chose to do so. Consequently I refused to support the motion seeking to condemn the government for not disallowing the legislation of the province in that regard; and I hold that the same principle must be applied to the whole of the legislation and administration of the country. Under the very principles embodied in this resolution of Mr. Blake's, the Manitoba school case was referred to the Supreme Court of Canada. That court decided that the School Act of the province was *ultra vires*. The hon. the leader of the Opposition says that everybody knew that, or that if they did not know it they did not understand the matter. Notwithstanding his statement, there was a considerable diversity of opinion on the point, and when the case came before the Lords of the Privy Council in England they decided that the School Act was *intra vires*, that the legislature of Manitoba had a perfect right to legislate as they had done. Then arose the question of the right of the minority to appeal to the Privy Council of Canada for remedial legislation. That again went to the courts in Canada, and our Supreme Court decided that the minority had no right of appeal. Then the matter was on appeal laid before the Judicial Committee of the Imperial Privy Council, who declared that while the Act which had been passed by the legislature of Manitoba in 1890 was within the powers of that legislature, the people of Manitoba belonging to the Roman Catholic faith having no rights either by law or practice in respect of separate schools at the time of the admission of Manitoba into the confederacy in 1870, the Act of 1890 had infringed upon the special privileges conceded to the minority by the provincial legislature in 1871, and that, therefore, the minority had a constitutional right of appeal to the Privy Council of Canada. The government lost not a day in summoning the parties interested on either side to appear before the committee of the Privy Council of Canada, there to argue the question in its various aspects pro and con. It was not a week afterwards that the remedial order was issued, asking the legislature of Manitoba to restore to the minority, those rights and privileges of which they had been deprived, as indicated by the decision of the Law Lords of the Privy Council. I do not know that the hon. the leader of the Opposition stated it, but it has been stated here, and throughout the country—it was stated in the debate on the address in the other House by the leader of the Opposition—that that remedial order meant nothing. Then, in the very next breath we are told, that the government has issued a dictatorial order to the province of Manitoba. The opinions of those who are in opposition to the government on this question are as diversified as the colours of the chameleon.

Hon. Mr. POWER—As diversified as the opinions of those who are supporting the government.

Hon. Sir MACKENZIE BOWELL—My remark applies particularly to those who belong to the party led by the hon. gentleman opposite. In Antigonish, we were condemned for not going far enough; we were assailed at Verchères on the ground that we had done nothing to relieve the minority; on the other hand, we have it on the authority of a gentleman immediately associated with the Liberal party, speaking in the constituency of Haldimand, that the remedial order was issued for the purpose of buying the votes of the members from Quebec. No matter where you turn, no matter what section of the country you enter, the same divergence of opinion may be observed. All

you have to do is to ascertain the views which are held by the majority in that par-particular section, and you will learn that these are the views which are being taken up by the members of the Opposition who are agitating this question. The organ of the party which is leading them on (as my hon. friend opposite hopes) to victory—when we shall be cast into the cold shades of Opposition, and he shall be triumphantly seated on this side of the House directing the affairs of the country in the course in which he thinks they ought to go—is telling the people of this Dominion what a bad lot the Conservative Government are, how terribly wicked they have been in even suggesting to the people of Manitoba that they should do justice to the minority. Talk of unity—the organ of the Liberal party from which it draws inspiration, is an admirable speciman of unity, I must say.

Hon. Mr. SCOTT—The organ you mention is not the mouthpiece of this party.

Hon. Sir MACKENZIE BOWELL—I know the hon. gentleman has already repudiated the *Globe*, and I am quite sure that any one who is consistent in his opinions and who desires to see this country governed always repudiate that organ, properly will but it is always a pleasure to me to hear that repudiation come from hon. gentlemen of the party to which it ostensibly belongs, seeing that they will look to it for inspiration when the proper time comes. I am aware that it has been claimed that a certain hon. gentleman who formerly belonged to the Conservative party, and who has been active in his opposition to the appeal, still is a member of our party. All I can say is that we cannot prevent any one calling himself a Liberal or a Conservative, but it is very strange if the proper course to pursue to maintain one's position with a political party is to adopt the opinions (I was going to say fads, but that might be unparliamentary and consequently I will not use the word)—to adopt all the views held by the opponents of that party—if that entitles a man to be called a member of a party, I can only say that I have yet to learn what political allegiance means. I hope sincerely with the mover and the seconder of the address that the people of Manitoba may see their way clear to settle this question among themselves, and to relieve the Parliament of Canada from the serious obligation which will devolve upon them otherwise. It is a very serious matter for the Government of the Dominion to undertake to deal with a question which affects solely any one section of the country. If the people of Manitoba are patriots they will keep this question out of the arena of Dominion politics, but if they desire to continue flinging fire brands among the electorate of this country (who I am sure are desirous of living in peace and harmony) if they reject all overtures and act upon the suggestions of those who are leading the Opposition throughout the country, I can only say that when the time comes, if it should come, for action by this government, the people of Canada will find that the present administration are quite prepared to assume the responsibility which may fall upon them, no matter what the results may be.

I do not think that I shall be justified in referring at any great length to the trade question. I am under the impression that most of the hon. gentlemen present have heard this matter discussed so often that it is scarcely worth while repeating the arguments which sustain the government's position. We have heard a great deal about the manufacturers and about the evil effects of the National Policy, that it is ruining the country, that it has not provided a home market, that it is driving people out of the country, and that the aid given to the various industries of the country has been an injury rather than a benefit. The hon. gentleman forgets once more that his own party is committed to the very principle which he condems—that of bonuses to industries. The premier of Ontario, of whom the hon. gentleman is such a great admirer, and whom he supports and votes for every year, only two sessions ago placed in the estimates $25,000 as a bonus to the iron industries of Ontario.

Hon. Mr. SCOTT—A piece of folly.

Hon. Sir MACKENZIE BOWELL—It is a folly which has been perpetrated and practised by that hon. gentleman and his party; but I regret to say that they were not sincere—if that is not an unparliamentary expression. They voted this large bonus for the encouragement of the iron industry in Ontario, and particularly in the Algoma district, which they were fearful of

losing at that time. That was just before an election, but when the election was over, and they had secured Algoma and the other iron regions of the province, they were satisfied, and they have not repeated the experiment of bonusing since. If it be wrong for the Dominion to encourage the industries of the maritime provinces, it is equally wrong for my hon. friend's party to do the same in the province of Ontario. I do not, however, hold that it is wrong. For once, at least, Sir Oliver Mowat and his cabinet did right, and I can only regret that they did not continue their action as I hoped they would.

We were informed by the hon. gentleman opposite, that the reduction of the duty on cottons, woollens and iron would only have a temporary effect in the reduction of the revenue, but that ultimately it would give us a surplus. On that principle we ought to remove the duties altogether; that would in his opinion be much the better way. Free all the articles that are imported into the country from duty, and if the people can get the money to buy them we shall have good times and a surplus; but the misfortune would be, that our population would have no employment and consequently no money to buy with, and the revenue would fall off tremendously. But did my hon. friend, when he was in the government, adopt the policy of reducing the rate of duty when deficit after deficit came upon his party? Did they reduce the tariff in order to increase the revenue? Not at all, that eminent financier of the party with whom the hon. gentleman is still allied—a member of the same government—came down to Parliament with a proposal to raise the tariff all around, not to reduce it; and of course his proposal was hailed as one of those magnificent strokes of statesmanship that astonish occasionally the financial world. The readjustment of the tariff of which we hear so much, was simply the adoption of the tariff of Sir Francis Hincks holus bolus, except that it was raised 2½ per cent all round. My hon. friend says that theirs is a tariff for revenue only, but the argument which my hon. friend opposite is advancing is, that if you want to get more money you ought to reduce the duties on certain articles. In rebuttal of that argument I say that that was not the policy followed by the hon. gentleman when he was in power himself. The record shows that his party acted in a manner diametrically opposed to the principle which they are now advocating—they raised the duty all round. I leave this argument for him to wrestle with and hope he will be equal to the task of reconciling what he is now advocating with what his party practised when they were at the head of affairs.

The hon. gentleman said that he could not join my hon. friend from Pictou in wishing me a long occupation of this seat. I am quite in accord with the hon. gentleman in that respect. I have no desire or particular ambition to occupy the responsible position that I do to day, but I trust the day is far distant when somebody holding the same views and opinions that I do and that the party to which I belong holds, may have to vacate it for those who are now in Opposition. It is not a question with the Conservative party as to the individual who may occupy this or any other position, but it is the great principles by which we are guided and which we believe will lead this country to a prominent position of which we may be proud. The only hope I have is that no matter who may form the administration, they may be men holding the same views and following in the footsteps of our illustrious predecessors, Sir John Macdonald, Sir John Abbott and Sir John Thompson, and the result will be not only that the country will prosper but that it will occupy a position in the world second to none. It is all very well to tell us that the great wealth of this country is its agricultural products. We admit all that, but the hon. gentleman forgets to look at the statistics and to tell this country what they prove. I am not going into them minutely, but if he will examine them he will find that a home market has been produced and maintained to such an extent as to provide a market for the produce of the farm, and it has doubled, trebled and quadrupled our exports of the products of the farm. Look at the figures that I gave to this House last year, and you will find an extraordinary increase in many products. I refer particularly to the product of the hog. Whereas we imported some 14 or 15 million pounds of that product for home consumption, last year it fell to about 4 million pounds, while the exports of the product of the hog had risen from 4 to 5 millions to 14 or 15 millions of pounds. That is but one illustration of the effect of protection to the farmers of this country and of the

wise policy that has been inaugurated and carried out by my hon. friend the Minister of Agriculture. I think the time will soon arrive when we shall be able to occupy as prominent a position in the English market in butter as we do in cheese. We are encouraging these industries to such an extent that we expect to inundate the English market with our dairy produce. See the enormous quantity of dairy products that are consumed in England! The English market will take all that we can raise, even if we continue to increase our production as rapidly in the next twenty years as we have increased it in the past ten years. I have no fear as to the future of this country. When you tell us, as we have been told on every stump, that the value of farm property is decreasing, and that farming is not as profitable as it has been in the past, and that the cause of it is the National Policy, and the protection of our industries, let me refer the hon. gentleman to the condition of England to-day, where land is going to waste or into pasturage. That is the condition of the farming industry in free trade England. Let me call his attention to the speech on that very question made recently by Lord Salisbury, in which he admitted the fact that the free trade policy of England had ruined the agricultural interests of that country. What did he give as the reason for pursuing a free trade policy? He said the lesser must give way to the greater. He said that the great mass of the British people demanded free trade and food as cheap as it could possibly be obtained in any part of the world, and therefore the agricultural industry had to suffer for the benefit of the great mass of the people. Apply that same logic to Canada and what follows? The agricultural community of Canada are the great mass of the people. There are more people engaged in that industry than in any other. If we are to adopt Lord Salisbury's principle and carry it out in this country, the lesser has to give way for the greater, by adopting a trade policy that will foster agricultural industries, and so you might pursue this argument for hours. I can show, and prove by statistics, that lands in England have fallen proportionately far lower in value than farm lands have in Canada. There are many reasons for the decreased value of farm lands in the older provinces of this country. We have opened up for settlement millions of acres of land in the North-west. We know that from 15 to 25 millions of bushels of wheat have been produced annually in that part of Canada of late years, and this grain has come into competition with the grain produced in other parts of the Dominion. We know also that there has been a vast production of that great staple of life, wheat, in Australia, Russia and other countries, and that it has been exported in large quantities to England, reducing the price, and necessarily the price of the land on which wheat is grown has diminished in this country. There is no use in attempting to hide that fact. To attribute the decrease to the fact that a duty of 15c. a bushel has been imposed on wheat, and 20 per cent ad valorem on cotton, and 30 per cent on iron or other articles, is to give utterance to opinions which, I scarcely believe, the hon. gentleman has any faith in himself. Compare the position of Canada to-day with that of any other country. When we see the Australian colonies with scarcely a bank that has not broken, and when we look across the border and find that three or four hundred of their banking institutions have gone to the wall, while we in Canada have stood firm through the whole crisis and not a single bank has closed its doors, I think we have reason to be proud of our country. You may depreciate it as much as you please; you may attempt to attribute whatever depression exists in Canada at the present moment to the operation of the National Policy, but I venture this assurance that if you had not had the National Policy for the last fifteen or sixteen years, this country would be in an infinitely worse position than it is to-day.

Hon. Mr. McINNES (B.C.)—I fully concur in all that has been said by every hon. gentleman who has spoken here this afternoon with respect to the great loss that Canada has sustained by the tragic death of the late premier, Sir John Thompson. I also congratulate the House that again we have the premier of Canada in this chamber, and I congratulate the hon. gentleman who leads the Senate, and the government, on the honours which have been bestowed upon our premier. I also congratulate the hon. gentleman who occupies the seat to his left (Mr. Ferguson) at this moment, in having been chosen one of Her Majesty's Privy Councillors for Canada. But, while I congratulate the

Government on these points, I must find a little fault with them, not for the sake of finding fault, but with good reason. The province from which I hail has been a member of the confederation for 24 years, Prince Edward Island has been a member of the confederation for twenty-two years and during that period, has had no less than three of its representatives members of the Privy Council of Canada. The first was Mr. Laird, the second was Mr. Pope, and now we have the Hon. Mr. Ferguson. I find no fault whatever with the government for making this last appointment and giving Prince Edward Island representation in the Cabinet. But I do find fault with them, and I am expressing the almost unanimous opinion of the people of British Columbia, for the gross injustice that has been done to our province ever since it entered the union. Some ten years ago I introduced a resolution affirming the principle that each of the four natural divisions of Canada should be represented in the Cabinet. The first division was the maritime provinces, the second Ontario and Quebec, the third the prairie section, the fourth the Pacific coast. I pointed out on that occasion that, in my judgment, the dissatisfaction which gave rise to the last rebellion in the North-west Territories, was attributable to the fact that there was no representative of the prairie region in the Cabinet, and that the rebellion was due to the ignorance of the government of the true condition of affairs in the North-west and the consequent gross injustice of the treatment that the people of that country received. That outbreak resulted in the loss of 62 precious lives and about $9,000,000 in money. Not only that, but the rebellion retarded the settlement of the country and we feel the effects of it even to the present day. Before the outbreak there was a steady stream of emigration into the country, which ceased immediately after the rebellion broke out. Comparisons, we are told, are odious, but I am forced to make comparisons, I do so, however, without any ill-feeling to the hon. gentleman who has been brought into the government to represent Prince Edward Island I am happy that he is there and it is only right and proper that the island province should be represented in the Cabinet, but I claim that British Columbia should also be represented, and for several reasons which I shall now give. In 1892 the province of British Columbia was the third largest in its contributions to the public treasury from customs and excise, standing even ahead of Nova Scotia. I want the hon. member from Lunenburgh, to take particular notice of that.

Hon. Mr. KAULBACH—I am.

Hon. Mr. McINNES—British Columbia contributed nearly $1,750,000 that very year, while the province of Prince Edward Island contributed only a little more than one-tenth of that amount. Another reason why British Columbia should be represented in the Cabinet is its great distance from the capital. While Prince Edward Island is within easy reach of Ottawa—less than 1,000 miles—British Columbia is no less than 3,000 miles from the capital, and it is almost impossible for its representatives in either house to come here and make their opinions felt as is done by the representatives of the maritime provinces. We should have some representative to whom we could look, and whom we could hold responsible for fair treatment towards our province. British Columbia, being furthest removed from the capital, should, above all other provinces, be represented in the Cabinet. We have occasional visits from ministers of the Crown in the North-west Territories and Manitoba, and we are always glad to see them. I think I am not exaggerating when I say that we generally treat them very well—that is as long as they behave themselves.

Hon. Sir MACKENZIE BOWELL—They always do that.

Hon. Mr. McINNES—I must confess the hon. premier does, and some few others also do, but there are others who behave differently. Those annual pic-nics, I understand, are made at the cost of the country, and the ministers can stay only a day or two. They are very willing to lend a listening ear to any complaints that we may make, and they take notes of our complaints, but that is all we ever hear on the subject. British Columbia has an enormous area—about 300 times as great as the little island province in the Gulf of St. Lawrence, and certainly that ought to be taken into consideration. Not only that, but the maritime provinces are comparitively finished provinces. They increase in population very slowly. Between 1881 and 1891, I believe, Prince Edward

Island increased its population by only about 100 souls. In our province, on the contrary, the increase was from 49,000 to over 99,000. We have practically the same number of people that Prince Edward Island has—in fact, I believe we have a greater population to-day. Taking into consideration the amount of revenue that we are contributing, and the distance that we are from the capital, it was only right and proper that the premier, in forming his cabinet, should have taken into it a member from British Columbia. I do not ask this as a favour—I demand it as a right. Ever since confederation, my native province, Nova Scotia, has had two members in the Privy Council, New Brunswick has always had two.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. McINNES (B.C.)—If I am wrong I hope the hon. gentleman will put me right. If they have not had two members continuously, they have been but a very short time without two.

Hon. Sir MACKENZIE BOWELL—When the Honourable Mr. Pope was a member of the Administration from Prince Edward Island, New Brunswick had but one—Sir Leonard Tilley.

Hon. Mr. McINNES (B.C.)—It was only for a short time. I think I can account for Prince Edward Island being favoured as British Columbia never has been. When Prince Edward Island entered the union it was represented by six Liberals, and a majority of its representatives in the commons have always belonged to that party. British Columbia, on the other hand, has given an almost undivided support to the Conservative party, and the reward for its fidelity has been that it has been made a Tory preserve. But there is a limit to the patience of even the long-suffering people of the Pacific province. Quebec has always had four or five Ministers. Ontario has five—three with portfolios and two without. Manitoba, fortunately, has a representative now. It is right and proper that she should have, but to use the hon. premier's expression, "to round up the confederation," I think it would be only right and proper and in keeping with the policy that he has laid down, to round up the government by taking into the cabinet a member from British Columbia. The first time I brought up this matter, ten years ago, the late respected Sir Alexander Campbell was leader of the Senate. While he was one of the most courteous and gentlemanly of our members, yet he forgot himself to such an extent in making his reply that he actually insulted every member from British Columbia and the North-west Territories by informing them that not until Manitoba and British Columbia should send men qualified for the position would they have representatives in the cabinet. I say here fearlessly that there has never been a cabinet since confederation that has not possessed members with whom the ordinary members of British Columbia would compare favourably. I make no exception—my remark applies to all cabinets, Liberal and Conservative. Both parties have been unjust to British Columbia in this matter. In forming the cabinet, why was not my hon. colleague, Senator MacDonald, who has been a member of this House for twenty-four years, selected? To go to the other House, what was wrong with the gallant Colonel Prior? Why was he not made Minister of Militia, or given some other position in the cabinet? Why was not the amiable and successful merchant, Mr. Earle, taken in? Why was the politic Mr. Mara not taken in? Why was not the Queen's Counsel, Mr. Corbould, taken in? I must inform the premier and this House that the North-west Territories and British Columbia will not submit much longer tamely to being treated as a preserve. We have been treated always, especially British Columbia, as a preserve, and no matter what treatment we received, we had to be satisfied with a smile and a bow from the men in authority. That must come to an end, no matter whether it is a Conservative government or a Liberal government. We must have a representative in the cabinet in the true interests not only of the province, but of the whole Dominion, and I sincerely hope and trust that the hon. leader of the government will take a note of it and act upon the suggestion that I have made.

Hon. Mr. BOULTON moved that the debate be adjourned.

The motion was agreed to.

## THE LATE SENATOR TASSÉ.

Hon. Sir MACKENZIE BOWELL moved that the House do now adjourn. He said :

I may be permitted, in moving the adjournment of the House, to call the attention of hon. gentlemen to the death of one of our members—I refer to the late Hon. Mr. Tassé, who occupied a position in the Senate very acceptably for a few years. Mr. Tassé commenced life as a journalist in this city, and occupied a much more prominent and inportant position in the city of Montreal, where he conducted the leading French journal in that city—*La Minerve*. I am sure that to those who knew the hon. gentleman and had the pleasure of sitting with him, as I did in the House of Commons, for five years, and occupying a seat with him in this chamber, also, will regret that one so talented and so gifted, and who had done so much in bringing the country prominently before the world, should have been cut off at such an early period of his life He was only 47 when he died, and if he never did anything more than the delivering of that speech in Chicago in defence of Canada, pointing out its resources and its greatness, to the world—for it was published and circulated everywhere—he earned for himself the gratitude of every Canadian. I do not know that I ever read a speech which gave me more pleasure, and which breathed more true patriotism, and conveyed to the world what Canadians thought of their country, of its greatness, and of its prospects, and of its future, than did that utterance of Mr. Tassé. It was my very great pleasure personally to thank him for it when he returned. Coming as it did from a representative French Canadian, upon whom many of the Americans, particularly in a large city like Chicago, look upon as discontented and desirous of severing connection between this country and the Empire, it was a revelation to them at least, although it was not to the Canadians who heard and applauded him. I was greatly pleased, as I am sure every one was who read his speech,—and also that which followed by Mr. Larke, an Ontarian, who now is in Australia, when combating the views uttered by the late Mayor Harrison of Chicago, when he had the indelicacy to talk of bringing Canada under the folds of the stars and stripes—when Mr. Tassé came to the rescue of his country and pointed out that under no circumstances would the French Canadian people ever submit to acknowledging the sway of the United States. I deeply regret that one so young and so gifted should have been removed from the scene of what would have been his increasing usefulness.

Hon. Mr. SCOTT—I join in expressing the regret that we all feel at the early death of the late Senator Tassé. He had a bright intellect and used his intellectual powers at all times to show his love for his native country. His services were highly appreciated, and on no occasion more by his fellow countrymen than at the particular time to which the premier has just alluded. We all deeply regret his death.

The motion was agreed to.

The Senate adjourned at 6.05 p.m

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## THE SENATE.

*Ottawa, Tuesday, 23rd April, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE ADDRESS.

SEBATE CONTINUED.

The Order of the Day being called :—

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech, on the opening of the Fifth Session of the Seventh Parliament.

Hon. Mr. BOULTON—I regret that yesterday, in consequence of the non-arrival of the train until after the debate had concluded, I had not the pleasure of hearing the remarks of the hon. mover and seconder of the address on this occasion. We may congratulate the hon. gentleman from Pictou on his coming into the Senate. The first thing that we have to deal with of any importance in the Speech from the Throne, is the reference to the late Right Hon. Sir John Thompson. I must unite with those who have preceded me in expressing the great regret that the whole country felt at the untimely death of the late premier. I may also include in that remark a reference to the death of one of our colleagues, the Hon. Mr. Tassé. Sir John Thompson is the third premier who has departed since this Parliament was elected. The two last,

Sir John Macdonald and Sir John Abbott, died when they had finished their work. Unfortunately, Sir John Thompson died when he was only commencing his work, and I may say that the country has suffered a very great loss indeed in the sudden and untimely death of our late premier. It was a tragic death. He died at the feet of Her Majesty, and it brought prominently, not only before the people of Canada and the British empire, but before the people of the world, the close connection existing between this great country, the rest of the British empire and the sovereign; and I trust that the sympathy that was exhibited towards the late premier of Canada will bear just fruits in cementing more firmly that unity which should exist, that friendship that should prevail between the various colonies of the British empire and the heart of the empire itself. I regret, very much from a personal standpoint, the death of our late colleague, Mr. Tassé. He was, from the first, a friend of my own, and I shall miss him from this honourable House very much indeed.

The next subject that we are called upon to discuss in the debate upon this address is the question of the French treaty. Hon. gentlemen will recollect that last year I gave a considerable amount of criticism to the French treaty when it was before this House, and I think from the evidence that we have here in the Speech from the Throne, that that criticism was well-timed and just. I see that it is necessary to introduce legislation in order to make more clear the terms upon which the French treaty has been passed between France and Canada. The point that I made last year myself was that in giving France the right of entry into Canada at a certain rate of duty, we would open the door to all those countries to which Great Britain and Canada in so far as she is included in the treaties grants most favoured-nation treatment, but not necessarily to our sister colonies. It had that peculiar anomaly, and it is necessary to bring legislation down, as notified in the speech from the Throne, in order to give effect to the French treaty and make it perfectly clear that our sister colonies shall enjoy the same favoured terms as France in this country. All those nations that come under the Imperial clauses in most favored nation treatment will have exactly the same advantages. I pointed this out last year, and as the subject will come before this honourable House when that legislation is brought down, we will have a further opportunity of discussing the question when we know exactly the terms of the legislation which we will be called upon to express our views.

The next clause in the address is:

> We are pleased to be informed by Your Excellency that the recent action of the Imperial Parliament enabling the various Australasian Governments to enter into preferential trade relations with the other self-governing colonies of the empire, affords gratifying proof that the suggestions of the Colonial Conference are being favourably entertained by Her Majesty's Government.

Now, I feel that the conference that we had here last year has been, and will be in the future, productive of good results. The legislation here referred to is legislation which interferes with imperial legislation and interferes with the Australian colonies themselves—the various provinces that compose the Australian colonies from applying the principle of tariffs such as we have had in Canada—that is to say one province in the continent of Australia could not enter into a trade arrangement with another province. Great Britain was to have exactly the same treatment, and it is to remove that obstacle that imperial legislation is sought for. The present government is directing its policy towards increasing our trade relations with the Australian continent, the Cape of Good Hope and the other self-governing colonies of the Empire. It is doing that on the principle of reciprocity I have no doubt—I do not see how they could do it in any other shape. They propose to have a preferential arrangement in favour of one another as against the rest of the world. That is the only way I can interpret the policy now proposed by the present government. I would warn the hon. leader of the government of this, that as sure as we go on educating the self-governing colonies in the principles of protection, such as we have in force at the present moment in Canada, we may expect, when they are so educated, they will protect themselves and not do anything that is likely to help Canada at their expense. The same way with the people of Great Britain. If the people of Great Britain should be led, under adverse circumstances, by principles which may be enunciated here, to abandon free trade, which has governed them for the last 50 years, and to adopt the principle of protection, it will be for the

purpose of protecting the thirty-eight millions of people in the British Islands, and not in any shape or form to protect the people of Canada. I would hold out a warning voice and say that it is a great deal better for us to proceed on the commercial laws of Great Britain rather than try to induce the people of Great Britain to adopt the commercial idea of the people of Canada; otherwise, I fear the doors of Great Britain will be closed to the people of Canada as well as to the people of the United States and the rest of the world should Great Britain be induced to change her policy and adopt protection, and to the extent that she does so her purchasing power as a consuming market will be weakened and will react upon ourselves.

I wish, therefore, to dwell again upon that particular phase of the address where it is congratulating us on the legislation of the Imperial Parliament in regard to the Australian colonies. I wish to remind this House that that legislation is sought for to enable the various provinces of the Australian continent to unite themselves into a confederacy, as the people of Canada have united themselves in this Dominion. It is not desired, I think, in the interests of Canada, that that confederacy, when formed, should unite on the principles of protection such as we at the present moment have adopted, but rather on the principles of free trade, in unison with the commercial policy of Great Britain.

The next clause in the address is a most important one at the present moment, because it is a question of the adoption of domestic economy, I might say, by the people of Canada themselves. I congratulate the hon. leader of the government upon the wisdom displayed by the government in bringing on this session of parliament instead of having a dissolution as was at one time spoken of. The statesmanlike way of ascertaining public opinion on new questions when they arise, is either to appeal to the country for the confidence of the people, or to appeal to certain constituencies in order to find out the drift of public opinion to guide the government of the country. We have just had four by-elections in various parts of the country, and it is from these by-elections that the government to a certain extent draw their inspiration in guiding them. The government is merely the exponent of public opinion through the representatives of the people in Parliament, and it is from the representatives of the people as elected, that they have to gauge what public opinion is, in certain directions. The result of the by-elections has been a guide to the government themselves, and to those who are opposed to the government in criticizing their policy. We in this honourable House of course, act in an independent manner in so far as we are not responsible to the people. We are not influenced in our action by feelings of passion which may be aroused in the heat of a political contest when religious questions are the forefront of that discussion, but I say we are fairly representative of the people in so far as we live among them and we are drawn from every portion of Canada, and we are able to a certain extent to tell what their feelings, their ideas and motives and anxieties are in any given direction. This is an important question that is contained in this clause:

> We thank Your Excellency for informing us that, in conformity with a recent judgment of the Lords of the Judicial Committee of the Privy Council, to the effect that the dissentient minority of the people of Manitoba have a constitutional right of appeal to the Governor General in Council against certain Acts passed by the legislature of the province of Manitoba in relation to the subject of education, Your Excellency heard in Council the appeal, that your decision thereon has been communicated to the legislature of the said province, and that the papers on the subject will be laid before us.

I come from the province of Manitoba, which is affected by the legislation that it is proposed to put on the statute-book in regard to this question before us, and I would say this, that in so far as the government have gone—I may even go so far as to say that in the expressions that fell from the hon. leader of the government yesterday have gone—I have no fault to find. The hon. leader of the government and the government itself, in passing the remedial order which has been transmitted to the province of Manitoba, have merely given effect to the decisions resulting from the various judicial steps that the Roman Catholic minority of the province had taken in order to ascertain what their rights were, I do not see that the government had any other course to pursue than the one they did follow in hearing the appeal and transmitting the decision to the province of Manitoba. To that extent, I think, that the government acted in accordance with the decision ren-

dered under the constitution. In that they have not shown exactly what course they may yet pursue in regard to this matter. When you wish to direct the mind of the government in any given direction—when you wish to bring to the minds of the government any grievance that you may feel in regard to any proposed legislation, the time to do it is in the early stages of the session, before the government is committed to any particular line of policy, in order that their minds may be directed by any strength of argument we may be able to bring to bear to induce them to proceed in any given direction, and it is for that reason that I propose to take up perhaps a little more time in the discussion of important questions in the debate on the address than is usually given. I wish to present, from the standpoint of the people of Manitoba, how far they feel the effect of the ruling of the Judicial Committee of the Privy Council, followed up by the remedial order of the Dominion Government.

The people of Canada understand what led to the foundation of the legislation that is now being put in force for the first time in this country, when we formed our confederation in 1867, it was by an agreement between the various provinces in the east agreeing to form a national union—Nova Scotia, New Brunswick, Quebec and Ontario, agreed with one another to form the federation which has now grown into the Dominion of Canada extending from the Atlantic to the Pacific. The province of Ontario and the province of Quebec had certain legislation in regard to separate schools passed by themselves when they had the individual power to adopt or reject such legislation, when they formed the confederation of Canada, it was felt that that legislation which had been put on the statute-book of those provinces should be protected by legislation in some manner, and with that idea, section 93 of the British North America Act with its subsection was put in the constitution for the protection of the minority existing in Quebec or Ontario. I refer to this case because it has been quoted that the case of Manitoba is similar to that of Ontario and Quebec.

The case of New Brunswick was not similar, nor was the case of Nova Scotia or of Prince Edward Island similar to that of Ontario and Quebec. No more is that of the province of Manitoba. We have to deal with the Manitoba case on its merits. Now, what are the conditions attached to the question in regard to Manitoba. In 1869 the imperial government desired to transfer to the authority of Canada that vast territory then under imperial control between the bounds of Ontario and the Rocky Mountains. It was, at that time, an unoccupied territory under the control of the Hudson Bay Company. There was a small population which had grown up in the country in connection with the employment offered by the fur trading companies which had planted themselves there. That small population was centred around what is now the city of Winnipeg and in the Selkirk settlement, numbering altogether twelve thousand people equally divided between the Roman Catholic faith and the Protestant faith. When the country was about to be transferred from the Imperial to the Canadian control, the flag of rebellion was raised in order that the attention of the people of Canada might be called to the fact that a portion of the population of the Red River settlement desired to be guarantee in certain rights before the transfer of the country actually took place. The result of that trouble, in the winter of 1869-70, was an intimation from the Imperial Government to inquire into the rights, and a notification from the Canadian Government that they wished the transfer which was to have been carried into effect on the 1st December, 1869, postponed until the country would be peaceably handed over by the Hudson Bay Company. The result of that was that through Sir Donald A. Smith, the commissioner of the Canadian Government, delegates were invited and came down representing the people of what was then known as the Selkirk settlement, in order to confer with the government of Canada as to what the terms should be upon which they entered the confederacy—as to how far their rights would be protected after they had joined the confederacy. What I contend is that the communication that went on between those delegated and the government of Canada was confined to the population of Selkirk settlement. It was not a conference for the purpose of directing the destinies of that great western country which extends from the bounds of the province of Ontario to the bounds of British Columbia, it was not conceived by those 12,000 people there who nominated the

delegates, Judge Black, Father Ritchot and Mr. Scott, it was not that they were to impose restrictions upon the people of the future who were going to occupy that country, It was merely that the people who did occupy that Selkirk settlement at that time amounting to twelve thousand people should be protected in whatever rights they possessed, or desired to possess, after they had become a part of the Dominion of Canada. Now, if you look at it in the right spirit you will realize that this is the fact. This fact is more impressed upon us in consequence of the small territory that was first of all included in the province of Manitoba. The first territory that was carved out for the purpose of being included in the province of Manitoba was the territory comprising Winnipeg as a centre and a radius of 60 miles around Winnipeg. That was the first territory to which those rights were to extend. Since then, the province of Manitoba has been enlarged until it has a boundary extending east to Ontario and west to the 29th range, which is a very different province to-day from what the province of Manitoba was when those delegates came down to confer with the government of Canada in 1871. Now, if in 1871 the Selkirk settlement were accorded certain rights which were to be lasting to them as individuals, are the people who are included in the portion of the province of Manitoba in which I reside to be brought under the legislation known as the Manitoba Act in its constitutional restrictions? Now, that is the position we have to decide upon. What is the ruling of the Privy Council? The ruling is that the Roman Catholic minority in the province of Manitoba under the legislation of 1870, which constituted the Manitoba Act—not under the British North American Act—and under the legislation passed by the legislature at its first sitting after the passage of that Act have the right of appeal to Parliament. I wish you to realize that there are no rights beyond the right of appeal. All through the judgment of the Judicial Committee of the Privy Council—all through the argument before the Judicial Committee—it was made perfectly clear that the right of appeal to the Governor in Council constituted the right of that minority, and, when it went before Parliament, their rights ceased. Parliament is a constitutional body with perfect right to say. "We will adopt one policy to-day and we will adopt another policy to-morrow." The constitutional liberty of the people of Canada under the British constitution is such that they have perfect constitutional liberty to change, day by day, any policy that they consider in the public interests of the country. Have we not gradually changed our policy in regard to the veto power after twenty-five years experience of its working in the direction of granting fuller liberty to the provinces not inconsistent with the national interests of Canada. Had not the government the power to veto the Provincial Act of 1890? Now that the veto power of Parliament is called into play, is the government now going to recommend Parliament to exercise the veto power which they themselves did not consider it wise or politic to exercise? I will just show you, from the reading of the argument before the Judicial Committee of the Council, what was in the minds of the Lords of the Council themselves—what was in the minds of those who were appealing on behalf of the Roman Catholic minority, in order to show that they expected Parliament only to exercise its constitutional power as a matter of policy, and not as a statutory obligation—

> Lord WATSON—The Governor might be of opinion to-day or this year that it was not desirable, in the interests of the community, that certain previous privileges given by Parliament should be repealed; but ten years hence, he might be of a different opinion. If there were legislation of a prohibitive kind included in this remedial legislation, there would be an Act of Parliament in the way of his exercising his discretion on the subject.

I can see all through the argument that was made before the Judicial Committee of the Privy Council that the Lords of the Council themselves were somewhat puzzled between the anomaly of having a constitution which was a constitution of liberty and having a restrictive influence such as is imposed by the British North America Act and the Manitoba Act. They saw, themselves, that it was anomalous to a certain extent, but as a judicial tribunal they merely had to give their judgment as it was presented to them in the wording of the legislation on which they were called upon to pronounce themselves. I will read you also what Mr. Ewart, who was the counsel for the appellants, said in his remarks before the Judicial Committee of the Privy Council.

He says :

Before closing, I would say a word or two as to what we are seeking. As it has been already remarked, we are not asking for any declaration as to the extent of the relief to be given by the Governor General. We merely ask that it should be held that he has jurisdiction to hear our prayer, and to grant us some relief if he thinks proper to do so. It may be that the Dominion authorities may not choose to re-establish us in all the rights and priviledges that we enjoyed prior to this Act of 1890.

You will see that, in the appeal to the Judicial Committee of the Privy Council, the counsel for the Roman Catholic minority contended there that the Dominion authorities might only grant a portion or they might grant the whole. If they were entitled to grant only a portion and not the whole, therefore they might consider it advisable not to grant any at all. That is the position in which the matter stands before the Parliament of Canada to-day. The matter will be in the hands of Parliament after the province of Manitoba has notified the Dominion Government as to what stand they will take in regard to it. So far as we are able to ascertain from public opinion in Manitoba, the disposition was not to accept any interference from the Dominion authority in regard to the provincial legislation enacted in 1890. But that whatever legislation was necessary, whatever the rights were, it was merely an agreement between the Dominion Government and the people who existed in Manitoba in 1870. However, I am not in the confidence of the government of Manitoba, and we will see what action they will take when the legislature meets again next month. I will read another extract from this blue-book. The Lord Chancellor says with regard to the Governor General :

He cannot do anything himself. And the last resort the only person or body who can do anything more are the Parliament of Canada, who are certainly not under legal compulsion to act and certainly would not act unless they conceived there was some substantial ground for it.

You see the Lord Chancellor, Lord Watson, the Lords of the Council generally have shown the constitutional power of Parliament is preserved in all its principles, that if a change of mind should come over the Canadian people in their policy as laid down 20 or 25 years ago, that so far as the Parliament of Canada is concerned it is at perfect liberty to take some other course if they think it desirable in the public interest to do so. I say that it is desirable in the interests of the good government of Canada that we should preserve the constitutional liberties not only of the Dominion Parliament, but of the legislatures of the various provinces as clearly and as closely as we possibly can, that we should expand them rather than contract them. The principle that is in the minds of some of the people of Canada to-day is that under remedial legislation these liberties should be contracted rather than expanded. I raise my voice on behalf of the good government of this country. Canada is being governed on the sound basis of self-government, not as Russia is governed, by an autocratic. This is a democratic country under the democratic influence of the British constitution, the most enlightened, I may say in history, under a limited monarchy, which is subject to the constitutional power of Parliament, that that constitutional liberty is greater than is known in any country in the world. We must not impair that constitution in any degree, abridge any liberty that it confers on the people of Canada. Therefore, I think this is not an ordinary case which is now before the people. We are asked to establish a precedent in one direction or another which will influence the future of this country for all time in an injurious or a beneficial way. At page 266 of this book, Mr. Blake concludes his argument before the Lords of the Privy Council as follows :

What we ask your Lordships is, what the privileges were and how far they have been infringed ; and then we propose to ask the Governor General to determine how far he will go. I do not ask your Lordships to make any suggestion as to his action, which I conceive from the beginning is political. He is to be instructed as to the law ; and then his action and the action of the Parliament will carry the thing out.

I have quoted Mr. Blake, who was the leading counsel for the appellants. I have quoted Mr. Ewart, who was also counsel for the appellants. I have quoted also the idea that passed through the minds of the Judicial Committee themselves as they were impressed from day to day by the arguments brought before them. All those go to show to you that the action of the Parliament now is a political action and not in any sense a judicial action—that both under the British North America Act and the Manitoba Act the right of any minority is merely the right to appeal to Parliament, and

their rights having been put before Parliament by the appeal to the Governor in Council, they then and there cease—that they then come under the British constitution and that the representatives of Canada in Council assembled must debate and argue what is the best policy for the good government of the whole of Canada, and on that argument must rest the concluding decision of this great question now before the people of Canada and before Parliament. It is necessary for us to consider fairly and well how far it is possible for us to go. The claim is put forth that not only the rights which were acquired in 1870, prior to the transfer of the country, but any right subsequently acquired should also be restored—in other words that a statute having once been put on the statute-books, there is no power or right or authority on the part of the provincial legislature to remove that law from the statute-books. If we were to establish such a precedent we should be plunging the country into difficulties of which no one can foresee the end. The province of Manitoba, at the time that that legislation was put on the statute-book in 1871, consisted merely of a population of 12,000, one-half of whom were Roman Catholics, the other half Protestants. It is natural to suppose that, being divided in this way, they would put on the statute-book what they desired to have at the moment, and that they would carry out the idea that they had sent their delegates down to express. But to say now that I, who live 250 miles west of the scene of that legislation, 25 years afterwards, am going to be deprived of the constitutional liberty that I claim as a right—to say that I must be dictated to and told that I must have legislation imposed upon me by the Dominion Government, is to tell me that I am to be deprived of a right which is nowhere else denied throughout the Dominion of Canada. If you say that I, in the province of Manitoba, may be thus interfered with, it is tantamount to saying that a similar course may be taken throughout the whole of the North-west Territories. If the added portion of the province of Manitoba which had no part or parcel in the legislation of 1871 is to be included in the proposed remedial legislation, then it may as well be extended to the bounds of British Columbia in the west and to the Arctic Ocean in the north for all time to come. It would be placing legislation on the statute-book to be maintained formally for all time so far as legislation in educational matters are concerned, and that would be depriving the whole western portion of Canada of the constitutional liberty which the people of that great country should enjoy.

Hon. Mr. POWER—The hon. gentleman's argument is a fairly strong one looking at it from his own standpoint, but he is leaving out of sight the fact that the Parliament of Canada in 1874 extended to the whole of the North-west Territories the same provisions with respect to separate schools which had been applied to the then province of Manitoba by the Act of 1870.

Hon. Mr. BOULTON—I am quite aware that what the hon. gentleman says is correct. I am quite aware that the Act of 1870 has been extended and that we are being governed to-day by the Act of 1870 which, was passed at the time of the transfer of the country. Prior to the transfer of the country I have nothing to say against that. I am not complaining of that, but what I say is that what might have been in the minds of the Canadian people in 1874 may not be in their minds to-day. Are you going to bind down two or three millions of people, who thirty years hence may occupy that country, by legislation placed upon the statute-books to-day?

Hon. Mr. SCOTT—I would ask the hon. gentleman if it should turn out that one political party becomes stronger in the country than another, can that greater political party change the whole constitution? The hon. gentleman argues in this way because he himself has gone into that country. Now, other people may have gone in and may go in knowing what the constitution is: would he hold that they would have a right to change the whole constitution?

Hon. Mr. ANGERS—Every time the balance of party changes, we might see the rights of the weaker party trampled upon.

Hon. Mr. BOULTON—That is the constitutional power of the people of Canada. The fact that I went in there knowing that certain legislation was on the statute-books, does not imply that I was tied by the leg, so far as my vote was concerned, for all time to come. If you put that forth as a

precedent to be followed in the future, you will be depriving a very large section of the people of Canada of their constitutional liberties. The argument which has been put forth is an impossible one, and the position is an impossible one for the people of Canada to maintain.

Hon. Mr. SCOTT—The hon. gentleman entirely ignores the fact that Canada cannot now change the constitution of Manitoba. It is only the Imperial Government that can do that. The constitution is an existing fact, and we cannot change it no matter how much we may desire to do so without the aid of the Imperial Government.

Hon. Mr. BOULTON—I have already explained to the hon. the leader of the Opposition that the first decision of the Judicial Committee of the Imperial Privy Council distinctly declares that the exclusive right of legislating on educational matters belongs to the province of Manitoba.

Hon. Mr. SCOTT—You won't find that the British Parliament will be governed by that decision.

Hon. Mr. BOULTON.—Subject to restrictions, but what are those restrictions? Simply that the minority, if they feel unjustly treated, have the right to appeal to the Governor in Council, but the fact of their having that right does not tie Parliament. It does not compel Parliament to say "Since we in 1874 included the whole province of Manitoba under the operation of the legislation of 1870, we have now no power to repeal that legislation."

Hon. Mr. BERNIER.—What is the use of having the right to appeal if the minority cannot ask for anything further?

Hon. Mr. BOULTON.—I wish to draw a great distinction between the claim put forth on behalf of the minority and the question of a remedy. I do not deny for one moment that there is an inherent right in the minority to appeal to Parliament to obtain redress. I am not arguing against that, for I have not come to that point yet; but what I wish to do is to confine to their legitimate limits the rights which the minority possess and to define distinctly how far it is right for the Parliament of Canada to say that the views of the minority in regard to education should be imposed on the people of the country. These rights do exist, but it is equally true that they are limited. I believe it is true that the people of the Selkirk settlement did enter into a treaty with the Parliament of Canada, and that Parliament entered into a treaty with them to guarantee them certain rights and privileges. To that extent I say the Parliament of Canada is properly and justly entitled to see that they are guaranteed the enjoyment of those rights and privileges. It is very much the same ground that I took in reply to the hon. member for St. Boniface some two or three years ago. The rights that were acquired, and which the Parliament of Canada have now to take into consideration, are only the rights of the population as it existed in 1871, and Parliament must deal with those rights without interfering in any shape or form with the constitutional rights of the province of Manitoba in regard to education. No one in the province is being deprived of his constitutional rights or privileges. The people may bring whatever constitutional influence they possess to bear upon the government of the province to have their views carried into effect in a constitutional way. That right is not being forbidden to them, and in this respect they possess exactly the same right as I possess, and they can exercise it in exactly the same way. But the fact is, a small minority are attempting to have things their own way, simply because certain legislation was passed at one time, irrespective altogether of the changes which have taken place since. In my opinion it would not be wise to urge that claim. What is the condition of the people of the province of Manitoba to-day? Take the county in which I reside—the constituency of Marquette. There are in that constituency 36,000 people of whom 1,900 are Roman Catholics; the balance are Protestants. In that constituency there are ninety-five churches; five of them are Catholic, the balance are Protestant. Now, the constituency of Marquette is entirely west of what is known as the Selkirk settlement. It has sprung up since 1871, being included in the added territory to which I have already referred. Now, are you going to bind down 36,000 people to the views of the 1,900 Roman Catholics in that constituency?

Hon. Mr. KAULBACH—Would not the same argument apply to the other provinces, supposing the relative position of the different religious bodies were changed?

Hon. Mr. BOULTON—The provision in the British North America Act applies to the province of Quebec and the province of Ontario, but, as I have already stated, it does not apply at all to British Columbia, Prince Edward Island, New Brunswick and Nova Scotia and the finding of the Judicial Committee of the Privy Council says subsection 3, of section 93, British North America Act, does not apply to Manitoba that the case is governed by section 22 of the Manitoba Act. This western territory is a great tract that has yet to be occupied. It was not occupied at the time of which I am speaking. At that time there were only 12,000 people residing in the Selkirk settlement. It was a very limited colony, indeed, and the rest of the country was a bare plain. That bare plain has since, in the course of the development of the country, become occupied, and now the settlers who are coming in there, settlers who possess the same constitutional rights and privileges as those who were there before, are called upon to defend themselves against what may be very properly termed—I will not say an effort to deprive them of their liberties—but their claim to a right which undoubtedly exists in every other part of the Dominion. The effort which is now being made to extend those limited rights is depriving us of our constitutional privilege to say how we will conduct the educational affairs of the province. In the constituency of Marquette, there are ninety-five churches, five of which are Roman Catholic. In the constituency of Lisgar, there are forty-eight churches, nine of which are Roman Catholic. A portion of Lisgar is in what used to be called the Selkirk settlement. In Provencher, which is essentially the Selkirk settlement, there are thirty-three churches, fourteen of which are Roman Catholic. In the constituency of Selkirk itself, which is in south-western Manitoba, the constituency which is represented by the Minister of the Interior, there are ninety churches, seven of which are Roman Catholic. In the city of Winnipeg there are twenty-five churches, only two of which are Roman Catholic. This will indicate clearly in what proportion the population is divided as to religion. Then take the population of the different constituencies. The population of Lisgar, which is situated north of Winnipeg, and part of which used to be in the Selkirk settlement, is 22,000, of whom 4,000 are Roman Catholics. In Marquette, there are 36,000 people altogether, 1,986 of whom are Roman Catholics. In Provencher, there are 15,469, of whom 8,900 are Roman Catholics. In Selkirk, that is to say in south-western Manitoba, there are 53,000 persons; 3,198 of those are Roman Catholics. In the city of Winnipeg there is a total population of 25,639, of whom 2,470 are Roman Catholics. That is the way the population is divided, so far as religions are concerned, and so far as we are able to gauge from the erection of churches in the province. The constituency of Selkirk, containing 53,000, forms part of what is called the added territory of Manitoba and did not come within the bounds of the Selkirk Settlement at all. It has a Roman Catholic population of only 3,198, and the argument is that these 3,198 Roman Catholics, sparsely scattered throughout the 53,000 people, shall be granted privileges which are denied to the remainder of the 53,000 people. The province of Manitoba as expressed in its legislation is opposed to anything in the shape of denominational schools. Recollect, I am not now arguing on the question of separate schools, which I contend is a question of provincial politics altogether. If it was a question in Manitoba whether there should be separate schools or not, I am not prepared to say what stand I should take—I am not prepared to say that I am irrevocably opposed to separate schools. But it is not that question which is before the House. It is not a question whether the Dominion Government shall say there shall be separate schools in Manitoba or not. The question we have to deal with is how far should the Dominion Government interfere with the constitutional liberties of any province of Canada. That is a question far greater than the rights of the Roman Catholic minority in this particular case, because if you were to place us in the position that some would place us in, you would convert a right to a minority into a great wrong to the majority. In trying to do justice to a small minority you would be doing injustice to a large majority, and it is to avoid being placed in a position of that kind, that I have thus early brought this matter before the House.

Mon. Mr. KAULBACH—How does my hon. friend contend that by giving the minority their rights it would deprive the majority of theirs ?

Hon. Mr. BOULTON—If the majority of Parliament have the right to say "you have no more control over your educational legislation in Manitoba from this hour," I say, you would be doing a very grave injustice to the majority—you would be inflicting a wrong on them in the light of experience and in the light of the history of the world to-day. It is not for us in Canada to make a retrograde movement so far as our constitutional powers are concerned. As I said before, I am not at all criticizing the government for their action up to the present, but I wish to warn them on the part of those whom I represent here—on behalf of the 36,000 people in the constituency of Marquette, whose feeling, I think, I apppreciate under the circumstances—I wish to ask the government how far it is wise for them to go in the interests of the good government of Canada, and I want to point out a remedy that might be applied without infringing upon the constitutional rights granted to the people of that western country and of the people who will occupy it in the future. Manitoba is a very great country of which Canada may well be proud of—a country that Canada can nurse not only in its commercial aspects, but its political aspects as well, in order to extend the dignity power and greatness of the Dominion. It is a country of great productive power, of good climatic conditions, and is going to assist Canada to exercise that influence and power on this continent and in the history of the British Empire, of which Canadians can well be proud. I wish to point out, without going into this matter any further than merely to give expression to these views at this early stage, a remedy which might be applied with justice to the minority, and without any injustice to the majority—that is, by the power of compensation that exists with the Dominion Government. What is the condition that we find so far as the Roman Catholic minority are concerned since the Act of 1890 was put in force ? The position is this, that in the whole province of Manitoba, extending from the western bounds to the eastern bounds there have been one hundred and one Roman Catholic schools. A certain number of those Roman Catholic schools have adopted the national system. A separate school, named after my hon. friend from St. Boniface, the Bernier school, was one of the first to come under the national system after the Act of 1890 was passed. Another, named after the Hon. Mr. Arsenault, has also come under the national system of education and has ceased to be a separate school. In the case of the Bernier school it has been a national school for four years. There are thirty-six of the one hundred and one schools that have come under the national system of education. Therefore, on the part of the population comprised in these school districts there is no grievance.

Hon. Mr. SCOTT—There was no alternative : they were forced.

Hon. Mr. BOULTON—Yes, they had an alternative.

Hon. Mr. ANGERS—All their schools were suppressed and their property confiscated.

Hon. Mr. BOULTON—No.

Hon. Mr. ANGERS—Yes, by the law of 1894.

Hon. Mr. BOULTON—Not as I understand it. A large number—perhaps the largest number—of those schools that have come under the national system, are in what is called the added territory of Manitoba. The majority of those who have not come under the national system are in Provencher and the Selkirk settlement. Those who are living in the western portion of the province are satisfied with the national system of education, and very properly so. There is no grievance. In my immediate neighbourhood, there is a separate school named after the clergyman, Father de Corby, who founded it. He conducted a separate school there for years, to which the Protestant population in its neighbourhood all went. They were well satisfied with the school ; they had no complaints to make of it. They took advantage of it, because it was the nearest and best they could attend. When the legislation of 1890 was enacted, the school immediately came under the national system without any complaint or grievance, and went on identically as it did before under the supervision and guidance of the priest of

the parish and head of the school. Of the one hundred and one schools, twenty-two are disbanded, for what reason, I do not know. Whether it was that the demand for education no longer existed I cannot say. It may be in consequence of the Act of 1890 ; perhaps it was. There are thirty-five schools that have not come under the Act of 1890, and are maintaining themselves at their own expense. It is those schools that have a grievance. It is the supporters of those schools who from conscientious motives desire to conduct them on the separate school principle. Those schools are mainly, or altogether, in what is called the old Selkirk settlement. The Act of 1890, of the province of Manitoba does not deprive any one from educating his child as he thinks best. He can educate his children in any manner or form he thinks proper, but, of course, if the school to which he sends his children takes the government grant and public aid, then it has to conform to the laws of the country governing education. If he does not wish to comply with the laws of the country governing education then the school does not get the grant.

Hon. Mr. SCOTT—They must all pay taxes.

Hon. Mr. BOULTON—I am going to explain to you about the taxes. In the first place, the government of Manitoba gives a grant of $130 to every school, or rather to each teacher in every school that is maintained open for twelve months. If it maintains itself opened for six months, it gets half of the grant ; if for three months, it gets one-fourth of that grant. That grant comes from the revenue of the province of Manitoba—there is no tax for that. It is merely a deprivation of that portion of the public money to which they might be entitled. Our School Act says that each municipality shall out of its revenue pay $240 to each teacher. For that, of course, the individual members, composing the municipality, would have to contribute their share of taxes. Those are the taxes that the people have to pay ; they have to pay their proportion of taxes to any public school in the locality. That is the way the public school is supported—$240 from the municipality, $130 from the government, or in all $370 for each school, or in the case of two teachers $370 more. Any additional sum required for the support of the schools would have to be taken from the school district which is carved out of the municipality in order to accommodate those within a radius of three miles of the school centre, but the main part of the money which supports our schools come from the municipality and from the legislative grant. The legislative grant, as I have explained before, is not a burden on the taxpayer ; it is taken out of the provincial revenue. The $240 may be considered a tax, so far as their share relates to other schools in the municipality, on those who support their own schools, but do not come under the national system, but, of course, in their case if they do not accept municipal aid there is no tax raised by the municipality for their school and they have not to pay it. You understand that those thirty-six schools to which I have already referred come under the national system. They get from the municipality $240 a year for each teacher, and from the government $130 a year, and they conduct their schools under trustees elected by themselves. The convent at Brandon gets its share of the government and municipal grant. If it conforms to the regulations of the provincial system the convent in Winnipeg the same under the national system of education.

If they happen to be all Roman Catholics, they will have all Roman Catholic trustees. If the population is divided between Roman Catholics and Protestants they have to regulate it as they best can, but they are subject to no disability at all. The only question is as to the regulations in regard to teaching religion, and I feel quite sure that there is a reciprocity about that. I feel quite sure that there is an elasticity about that. If it is a Roman Catholic school the inspector comes around once in six months, and that is about the limit of the supervision that is given. If, in the meantime, the priests desire to impart any religious instruction, I do not think anybody, unless it might be the trustees themselves, would have either the authority or the desire to interfere, so that the national system is not such an injurious one as many people believe. However, that I have nothing to do with ; that is a question for the Roman Catholic minority to decide, they have put forth the claim that they have been deprived of certain rights, and we, as part of Parliament, have to consider what were those rights and how far they have been deprived of them, as well as how a remedy can be applied without

impairing the constitutional power of the people or infringing upon the autonomy of the province of Manitoba. I say it can be done, by compensation. All the Dominion Government will have to do would be to make a grant in order to supplement the moneys lost to the minority through the contribution which they have to make to the municipalities. For the thirty-five schools referred to, I am satisfied that $10,000 a year would be the extent of the grant; but I go further than that, I say that the bargain made in 1870 under the Manitoba Act with the people of that western country was not a bargain made exclusively with the Roman Catholic minority; it was made with the whole population of the Selkirk settlement; and were a grant to be given to assist any particular class of schools irrespective of provincial authority, in order that they may impart that distinctive instruction which they desire, it is nothing but just that the same assistance should be granted in like proportion to the rest of the people of the Selkirk settlement, or rather to the schools that existed in that particular district. That would be just and right, and nothing more. However, that is not dealing with the question of the rights of the minority. It is the minority which has the right to complain. It has been decided by the Judicial Committee of the Privy Council that the majority has no right to complain because being in the majority, they can reverse the state of things if they see fit to do so; but inasmuch as they propose to legislate in a certain way in accordance with the ideas of the great mass of the people, they ought not to be ruled out altogether, but Parliament is now called upon to deal with the minority. Have the majority no claims? Have the majority no grievance? As already stated, the amount that would be necessary in order to rectify the present position of affairs, in order to make this wrong a right, would not exceed, so far as the Roman Catholic minority are concerned, $10,000 a year. Now, I do not ask the people of eastern Canada to put their hands in their pockets and take out a sum sufficient to meet the requirements which have arisen in connection with this dispute, but I say that in the revenue derived from the public lands of Manitoba there is a source from which the necessary compensation can be drawn. I have always contended that the public lands of that great western country are held in trust by the Government of Canada for the benefit of the inhabitants of that section, and to assist in its development. Up to the present moment these lands have been held and appropriated for the purpose of encouraging the extension of railways, but the time has now come, I think, when it is desirable that we should take a different course, and, instead of dissipating and alienating this great heritage, we ought to carefully nurse it for the benefit of the people who occupy that country in the future. It is out of this source, I think, that a small compensation could easily be provided, in order to put an end to what might otherwise become a very grave dispute as between different sections of the Dominion which are governed more by their feelings than by anything else in regard to religious matters. A small sum of money like that which I have mentioned, is nothing in comparison with the harm and wrong that would be done upon the people of Canada by bringing on a dispute of this kind, or by depriving that western country of the constitutional powers and privileges to which they are entitled. Now I have said as much, perhaps, on the present occasion as is necessary, but it is my desire to put myself clearly on record while this subject is before the Parliament of Canada, and in some small degree at least to give expression to what I believe to be the feelings of the people of that western country upon this subject. I apologize for imposing myself upon this House at so great a length, but there are several great questions before us to which I should like to advert.

Hon. Mr. CLEMOW—What about the school lands?

Hon. Mr. BOULTON—The school lands, I may say, are held by the Dominion in trust for the province of Manitoba. They really belong to the province of Manitoba, and the Dominion Lands Act clearly states that the revenues derived from them shall be paid over to the government of Manitoba for educational purposes. Any other disposition of them, in order to overcome the difficulty which I have dealt with would, I think, be an infringement upon the rights of the province, and would be looked on as such by the people of the province. In the next clause of the address, in reply to the speech from the Throne, the trade question is dealt with. It says:

We are glad to hear from Your Excellency that the depression in trade which has prevailed throughout the world for the past few years has

made itself felt in Canada to a less degree than in most other countries. We regret, however, to learn that although this has not resulted in any considerable decrease in the volume of our foreign trade, yet, owing to low prices and recent reductions in and removal of taxation, it has been followed by a serious decrease in revenue derived from customs and excise. We respectfully concur in Your Excellency's opinion that, in order to produce equilibrium between revenue and expenditure for the coming year, it will be necessary to observe the greatest possible economy in the appropriations for the various branches of the public service.

Now this is a very large question, and perhaps a question that we can discuss from a more general standpoint than that which I have been speaking of. The government propose to restore the equilibrium between the revenue and expenditure by resort to economy. I would point out that there is an easier way of accomplishing this object, and that is, in one word, by reducing taxation. If you reduce taxation you will immediately restore the revenue. That is a well known axiom in political economy. I would strongly urge upon the hon. the leader of the government to take this into his most serious consideration. A great predecessor of his, in the Imperial House, Sir Robert Peel, on the eve of bringing about free trade stated, "When I want to increase the revenue I take off the taxes." This is the same position the people of Canada find themselves in to-day. The government insist on applying economy, which is indeed a proper and desirable thing to do, but what I ask is that in addition to applying economy they should adopt the economic principle of assisting the industries of the country by a reduction of the taxation. The cessation of expenditure is not always economy: projecting a useful work in an economical manner is my idea of economy, while careless extravagance is a spendthrift policy. If they do the former they will find that the revenue will immediately respond. I have observed in the public press and the Conservative journals several references to the depression existing in the country, but whenever anything is said upon this question they say: "Oh well we ought to be very thankful because the rest of the world is very much worse off." I do not know if that is an argument that can be properly used. If I have anything like a correct idea of what protection was designed to accomplish, it was to so contract our foreign trade that we might trade with one another and with one another only, and by that means to neutralize the effect of any depression that might exist in the outside world.

Hon. Mr. McCALLUM—We would not be buying so much from other countries.

Hon. Mr. BOULTON—Or selling so much to other countries, because you cannot buy without selling and cannot sell without buying.

Hon. Mr. McCALLUM—We will be able to keep the money in the family.

Hon. Mr. BOULTON—It all depends, if you keep the money in the family, how it is distributed. If you concentrate it in a few hands, which I contend is the effect of the present commercial legislation, then I say it is not a wise policy. The second sentence in the paragraph is:

We regret, however, to learn that although this has not resulted in any considerable decrease in the volume of our foreign trade, yet, owing to low prices and recent reductions in the removal of taxation, it has been followed by a serious decrease in revenue derived from customs and excise.

That is not exactly an impartial statement to begin with, according to the pamphlet issued by the Minister of Trade and Commerce, I am very glad to see that it is issued every quarter, and it brings down the returns as far as December 31st last. That is to say, we know exactly what the country has been doing under the new tariff between the 1st of July and the 31st of December last. I am sorry that these returns have not been brought down to the 1st of April. I do not know why the delay has occurred, unless it is that the showing is worse than it was before. I hope that is not the case. Up to the 31st of December we find a reduction in imports and a reduction in exports as well.

Hon. Sir MACKENZIE BOWELL—Do you mean a reduction in value or a reduction in quantity?

Hon. Mr. BOULTON—A reduction in value.

Hon. Sir MACKENZIE BOWELL—I thought so. The value may be decreased somewhat and yet the quantity remain the same, the articles being cheaper.

Hon. Mr. BOULTON—I find a reduction of $7,000,000 in the imports and of $5,000,000 in the exports.

Hon. Mr. McCALLUM—Never mind the imports. We never buy more than we want.

Hon. Mr. BOULTON—There is where you make a mistake. According to my argument my hon. friend says that as the reduction relates only to imports we need not be frightened. The fact that we are not importing is an evidence that the purchasing power of the people of Canada has been reduced by just so much as the imports have fallen off.

Hon. Sir MACKENZIE BOWELL—Supposing the prices of articles imported had been reduced 15 per cent or 20 per cent, where would your calculation be then?

Hon. Mr. BOULTON—I doubt if that is the case for the whole of the year.

Hon. Sir MACKENZIE BOWELL—It is the case, nevertheless. It is the reduction in value that explains the situation.

Hon. Mr. BOULTON—I find that our export trade has decreased $5,000,000; that is to say, there has been labour in the country that has not been productive or employed to that extent.

Hon. Mr. KAULBACH—Perhaps it is another case of increase in volume.

Hon. Mr. BOULTON—I do not think that the same causes can be assigned for the falling off in our exports.

Hon. Mr McCALLUM—What about the wheat?

Hon. Mr. BOULTON—Our wheat has not been reduced below what it was the year before. Our North-western wheat, particularly, averaged a good price as compared with the wheat produced in the rest of the world, for which I am very thankful. The yield was of a remarkably good quality, and was eagerly sought after, not only by the people of the United States but by the people of Great Britian and the people of Canada as well. That competition assisted us materially in obtaining a much better price than was obtained by the wheat production of the world generally. However, what I wish to impress upon the hon. Minister of Trade and Commerce is the fact that the present taxation is bearing heavily upon the people of Canada, which is a dire consequence of the continuation of the commercial policy of the government. I find it here put into the mouth of His Excellency that the falling off of the revenue is caused by a reduction of taxation. No, the imports and the duties collected show that the taxation has increased under the tariff of 1894. In 1893 the average rate of taxation was 30 per cent; it is now, under the new tariff, 30·82 per cent, or very nearly 31 per cent. Now if this is the case, I say that it is a manifest injustice to increase taxation in the face of business depression. That policy should be changed and the taxation should be reduced. I say further, and I wish to impress this upon the members of the government who are in this House, that the taxation of the people of Canada is not merely the sum that is raised for the purposes of the revenue, but it is a tax multiplied twice, yes, three times over as a direct consequence of the protection that is afforded to the industries of the country. I wish to take this opportunity of proving that to the hon. the leader of the government in order that I may bring to bear upon him such views as I may be able to express, in the hope that that burden of taxation, which is excessive, which is pressing on the country, which is creating a great injustice and great injury in the western country where I reside, may be modified if not removed during the present session of Parliament. The present session should not end until they have reduced the tariff that was imposed in 1894, if they wished to do justice to the labouring men of the country—to those whose incomes are small—to those who are living by the sweat of their brow. If the government wish to do justice to the people from one end of Canada to the other, the leader of the government should seriously consider the question of reducing the burden of taxation raised by the tariff of 1894, by at least 25 per cent. It is not necessary to spend the session in going into details, but a general reduction of 25 per cent on the basis of the present tariff would be a wholesome reform and an indication that the government were prepared to confess sin of omission and commission under the experience of 17 years life under a high tariff. I wish to prove to hon. gentlemen there is room for it. We have here the census returns showing the manufacturing power of the country, most minute details as to all the manufactures which enter into the raw mate-

rial which my hon. friend on my right says is of so much advantage to the country. I do not rise to argue the destruction of the commercial interests of Canada; if I thought that what I advocate was going to destroy the manufacturing power of the country. I would hesitate to raise my voice towards that result. I wish to impress upon my hon. friend on my right that the exporting power of the country requires no protection, whether our export be of cheese, butter, wheat, boots and shoes, sugar or anything else. Any exporting power that we possess requires no protection. It is the exporting power of the country that is the measure of its wealth, and that exporting power is regulated by the cheapness of production which is artificially increased by the protective tariff. I wish to show this honourable House the figures presented to us by the census in regard to manufactures, and which is the basis of argument by protectionists through the country, in defence of protection from their standpoint. What are those figures? They are that the capital invested in the manufacturing interests of Canada is $354,000,000; that the wages paid out in manufacturing in this country amount to $100,000,000: that the money paid out for raw material in conducting the manufactures of the country is $250,000,000, and the value of the articles produced $476,000,000. That is very good if it does not increase the burden of taxation on the people in consequence of the policy that brings it out.

Hon. Mr. MACDONALD (B. C.)—Are those annual amounts?

Hon. Mr. BOULTON—These are compiled from the census of 1891. The figures relate to that year, and to that year only. Of course, you can only get those figures by the census.

Hon. Mr. MACDONALD (B. C.)—The production of the manufacturers that year was $476,000,000.

Hon. Mr. BOULTON—Yes. Their value returned by the manufacturers to the census commissioner.

Hon. Mr. MACDONALD—Then, all that was kept in the country?

Hon. Mr. BOULTON—I wish to show at what expense it has been kept in the country, if your idea is that without protection they would leave the country which idea I challenge. That is my object in quoting the figures. These are the figures put in our hands—the figures by which the government justifies the infliction of protection and the continuance of protection. I wish to show that the government is not justified in any degree in continuing protection—that so far as those figures show it is not to the advantage of the country. I wish to show you the difference between the cost of the manufacturing that is there shown by the figures, and the value of the articles produced as shown by the census. The capital invested in manufacturing is $350,000,000, 10 per cent on that is $35,000,000. One-half of the capital is called working capital; the other half is called fixed capital—that is, capital invested in lands, buildings and plant. The working capital is what you may call banking capital used for paying wages, buying material, etc. Ten per cent interest on that amount of capital, is a very fair earning power for the capital invested. In addition to that we have $100,000,000 paid out in wages, and in addition to that $256,000,000 paid out for raw material. I say $35,400,000 interest on capital which is the share that capital gets in the manufacturing and $100,000,000 which is the share wages gets, and $256,000,000 which is the share raw material gets in these manufactures, the addition of interest on capital, wages and material, should show the cost of manufacturing. If there is anything else there is no detail of any other cost to the manufacturer given. But there is a column which shows the value of the articles produced, and that is $476,000,000. The difference between the three items which go to show the cost of manufacturing these articles in Canada and the of value the articles produced, according to the census returns, is $84,000,000. That $84,000,000 has to be borne in consequence of the duty that is imposed for the purpose of protecting those manufacturers—or in other words 25 per cent represents the $84,000,000 added to the cost of manufacturing 25 per cent represents the duty that is imposed for the protection of those manufactures. In this $476,000,000 the retail selling price is not represented, wholesale men purchase from the factory or rather manufacturers, wholesale agencies charge enough to the retail trade

to cover the cost of selling. In order to produce a revenue of $21,000,000, raised in 1893-94, according to the Trade and Navigation returns we have at our disposal, we imposed an additional burden of taxation on the people of Canada who have to purchase their necessaries of life amounting to $84,000,000.

Hon. Mr. KAULBACH—What are the necessaries?

Hon. Mr. BOULTON—I will show you what those necessaries are. All that I wish to do is to convince honourable gentlemen that if we are going to continue to force the needlewomen of Canada to pay $20,000 taxation for the needles they require; $75,000 on the thread they require; $20,000 on the boot-laces used by the people of Canada, you are imposing a burden on them. You are asking me what are those necessaries. Take rice. There are 3,000,000 pounds of rice imported, which is protected by a duty of one and one-quarter cents per pound and 24,000,000 pounds of uncleaned rice imported nearly free, three-tenths of a cent per pound I believe is the duty, to be cleaned in this country to which the one and one-quarter cents protection is added. Rice is delivered at seaports at two cents per pound, yet I pay seven cents per pound for it where I live.

Hon. Mr. McCALLUM—The duty would not make the difference.

Hon. Mr. BOULTON—The duty and freight and the profits of the middleman on the price raised artificially increased the price to that amount. The revenue gets the benefit of the duty on 3,000,000 pounds of rice. The manufacturer gets the benefit of the profit in consequence of the duty, on 24,000,000 pounds of rice. The proof I give you for it, is the evidence furnished in this book, that the difference on all the articles included in the necessaries of life is about 25 per cent after providing for the wages and cost of the raw material, and interest on the capital invested as shown by the returns.

Hon. Mr. McCALLUM—Does the hon. gentleman contend that we would consume more rice if there was no duty on it?

Hon. Mr. BOULTON—If there is $85,000,000 imposed on the industries of Canada in consequence of the protection—

Hon. Mr. McCALLUM—I am speaking of rice.

Hon. Mr. BOULTON—I am answering the question. We would in all probability not consume more rice, but the difference in the amount we have to pay in consquence of the protection would enable us to purchase other necessaries to increase the comforts of the population. If there is $85,000,000 collected—

Hon. Mr. McCALLUM—On needles and rice?

Hon. Mr. BOULTON—No. On all our necessaries our purchasing power is reduced for those necessaries by the amount of the duty, and its ally, protection, increase the purchasing power of the masses, and you increase the demand for labour to produce the articles we are enabled to purchase by the increase of that purchasing power. I will read the articles if you like. There are 450 industries included in this book. It is not necessary for me to enlarge upon them, because they contain all the articles we require for use.

Hon. Mr. KAULBACH—Are boot-laces and stays necessaries of life?

Hon. Mr. BOULTON—It depends on whether you are a married man.

Hon. Mr. McCALLUM—How do you propose to get the revenue?

Hon. Mr. BOULTON—I will try and throw some light on that when I have got through my argument, because this is an argument that I wish to impress on the leader of the government. I am very thankful that we have in this House the present opportunity of bringing our individual opinions to bear upon the leader of the government, because it increases the force, and adds to the dignity and power of this House. I will pick out an individual industry just to prove more conclusively the position that I desire to present: that is, agricultural implements, the duty on which is a cause of complaint in the province of Manitoba, and the North-west Territories. We are obliged to purchase agricultural implements very largely, and it is only our ability to purchase them that enables us to distribute the

products of our industry over the whole of Canada. We sent out this year, I think, in the neighbourhood of 15,000,000 bushels of wheat, worth to us at our various stations delivered, from 38 to 40 cents per bushel, this year. But that is not the only amount distributed : the distribution of capital on the products of our industry was by the time it reached the seaboard nearly 80 cents a bushel. So by the product of our industry we are able to distribute 15,000,000 bushels of wheat at 80 cents a bushel before it leaves Canada for export. The value of that industry to Canada is enormous, and anything that will increase the development of it will add to the greatness, prosperity and wealth of Canada. What are you doing by the present policy? You are imposing a tax of 40 per cent on the value of the plant that we require to carry on this industry profitably, and it is having a very depressing effect on the producing power of that great western country. I will take out one interest here, and I am not specifying it maliciously, but, because I can fix the name of the manufacturer exactly. It is in the city of Toronto. In that city there happens to be only one manufacture of the kind, and that is the Massey Manufacturing Company. We find here that this company has a capital of $42,000 invested in that land on which their buildings are erected; $75,000 invested in their plant, and $75,000 invested in their buildings—altogether $200,000, in what is called their fixed capital.

Hon. Mr. McCALLUM—Is that in the city of Toronto?

Hon. Mr. BOULTON—Yes.

Hon. Mr. McCALLUM—What about Brantford and other places?

Hon. Mr. BOULTON—I am only dealing with their industry in Toronto. The Brantford works are enumerated with others in South Brant. There working capital is $1,000,000—that is, their banking capital to keep their stock of material on hand, etc. They employ 575 men. They pay in wages $250,000 a year, and for raw material $350,000 yearly. I maintain that if we allow the Massey Manufacturing Company 10 per cent interest on their $1,200,000 capital we are allowing a very fair rate of profit, especially as $150,000 of it only is subject to fluctuation in consequence of wear and tear. The balance of it is not. Taking 10 per cent. on their $1,200,000 capital, it represents $120,000 a year profit on the capital as shown by this return. Then take $250,000 wages to add to that, makes $370,000, included in the wages they pay out, and interest on their capital. Add to that $350,000, for raw material which they pay for. Now, that is $720,000. That should, I think, in the minds of all fair-minded men be considered a fair representation of the cost of making their machinery. They sell it and make their profit on the sales in other directions and through their agencies, but that is the cost of making their machinery, so far as shown by them from the census returns. That information could only be got from the manufacturers themselves. The census commissioner goes round and visits every manufacturer in the country, and obtains this information for the guidance of the public. That information is given to them by the Massey Manufacturing Company, presumably in good faith, and it is shown there that $720,000 is the cost of making their machinery after allowing them 10 per cent on the capital invested. What is the return in the column opposite their name as the value of the articles produced? It shows that the value of the articles produced is $1,250,000, or a clear profit on the manufacture of their agricultural implements of $530,000, on an investment of $1,200,000.

Hon Mr. KAULBACH—Do they not sell them as cheaply as in the United States?

Hon. Mr. BOULTON—I want the United States to be able to sell machines here on the same terms as are accorded to the Massey Manufacturing Company. I do not want that company to make such a tremendous profit in consequence of the protection afforded them. I do not want the people of this country to bear the burden of double, yes quadruple, taxation in order that the Massey Manufacturing Company may be so highly protected.

Hon. Mr. McCALLUM—The hon. gentleman says that 10 per cent is enough to cover interest on capital and all risk of losses : would not 20 per cent be nearer the mark?

Hon. Mr. BOULTON—I will add 10 per cent more and make the rate of profit on capi-

tal 20 per cent. I still maintain that after allowing 20 per cent on capital there is a surplus of $434,000 unaccounted for, which is a burden those have to bear every time they buy machinery in the west. Every time a farmer has to purchase machinery he helps to bear a part of that burden. Now, I want the leader of the government to refute this argument if he can, or to say that I am incorrect in my figures. I am taking the figures as they are put into my hands, in fact, I take the figures used by those who desire to sustain the protective policy.

Hon. Sir MACKENZIE BOWELL—Your figures may be right, but your deductions are wholly wrong.

Hon. Mr. BOULTON—It is for somebody to put me right then upon my deductions. I claim that according to the figures, I am correct. I wish these figures to be explained away if possible. I wish that surplus of $430,000 to be explained away if it can be. I find it is used as an argument that the value of the manufactures produced is $476,000,000. It is clear that there is between the value of the machinery produced by the Massey Manufacturing Company and the cost of its production a profit of $430,000 after providing for 20 per cent interest on capital.

Hon. Mr. KAULBACH—Could you buy the same article cheaper in the United States?

Hon. Mr. BOULTON—Allow me to prove my case first. What I am intent upon proving is that the burden of taxation upon our inividual industry is four times the amount which is raised for the revenue of the country, and I claim that it is an injustice to the people whom I represent that they should, in pursuing their avocations, have to bear such an enormous burden in order to raise a revenue.

Hon. Mr. KAULBACH—How can there be any burden upon the people when you can buy as cheaply as in the United States?

Hon. Mr. BOULTON—You cannot. Iron costs $9 or $10 a ton in the United States. The Massey Manufacturing Company in making their purchases have to pay that $9 or $10 per ton, plus the amount of duty, and the manufacturers of the United States ought to be able to produce the machines that much cheaper.

Hon. Mr. McCALLUM—They are cheaper in Canada.

Hon. Mr. BOULTON—They are not cheaper. Competition is the great leveller. If you throw the Massey Manufacturing Company into competition with the manufacturers of the United States the result will soon be obvious.

Hon. Mr. McCALLUM—They are cheap enough now.

Hon. Mr. BOULTON—I am not arguing that point, however cheap they may be in consequence of the general fall in prices the world over they are artificially raised for us over the world's competition and that neither labour nor raw material share in that artificial raising. What I wish to show is that the government themselves recognize that the Massey Manufacturing Company are resting under a disability in the direction I have indicated, in regard to their power to export, for they have taken off the duty for the Massey Company in order that they might make the machines cheaper, and by that means promote exportation beyond the bounds of Canada, in their competition with the United States manufacturers in foreign markets, thus enabling the company to enjoy the profit to be derived from the establishment of a foreign trade. In other words, the government of Canada put the Massey Manufacturing Company in a position to make agricultural machinery cheaper for the people of the Argentine Republic, Australia and Russia (who are wheat growers and with whom we have to compete in the open market of Great Britain for the sale of our wheat) than for the Canadian farmers, and we have to pay a bonus to enable the company to supply these foreign nations with cheaper machinery than we ourselves are able to purchase—is that justice?

Hon. Sir MACKENZIE BOWELL—It is incorrect.

Hon. Mr. BOULTON—Is it not correct that you are giving them a rebate of duty?

Hon. Sir MACKENZIE BOWELL—It is not correct to state that articles which are manufactured in Canada are sold any cheaper in Australia than they are in Canada.

Hon. Mr. BOULTON—You have, however, to support either one position or the other. Either they are sold cheaper in Australia than they are in Canada, or else the profits of the manufacturing company on the goods produced by them must be excessive.

Hon. Sir MACKENZIE BOWELL—That does not follow either.

Hon. Mr. BOULTON—If you relieve the company of the duty on the articles which they export, to that extent you are cheapening the articles for the people of Australia. The Massey Manufacturing Company can export agricultural machinery to Australia for exactly the same freight as they can send it to the province of Manitoba, the ocean transport being so much cheaper than railway rates So far as the rate on the freight is concerned there is no difference, either to Australia or the Argentine Republic over transport to Manitoba. A manufacturer told me that he had a market in British Columbia for some goods which he produced in eastern Canada, and that the freight rate was so high that he could deliver his products around by Cape Horn to Pacific ports cheaper than he could deliver them in Manitoba, the rate by Cape Horn being $1.24 per 100 pounds, while to Russell, where I live, the rate on the same goods was $1.29 per 100 pounds. If the freight rate is no greater, and if the duty is remitted on the machines made for the people of the Argentine Republic and Australia, either the machinery can be sold cheaper or the profits of the exporting company are increased by the remission of the duty.

My next point is with regard to the cost of production of agricultural machinery. The total value of the machinery produced is $7,524,000, that is to say the total value of the articles produced of which the Massey Manufacturing Company form an important part is that amount. The capital invested in agricultural machinery works in Canada is $8,500,000 or say $850,000 a year interest on capital. The raw material used in the manufacture of this machinery is returned as costing $3,126,000. The wages paid amount to $1,812,000. Arguing from the same basis as before, we find that the cost of producing the machinery including 10 per cent interest on capital, wages and cost of raw material, is $5,788,000. The value of the articles produced is $7,544,000. Therefore the profit of the manufacturers is $1,736,400. That rests as a tax upon the agriculturist, while the revenue derived from the importation of agricultural implements is only $100,000. That is exactly 30 per cent of the total cost represents the duty imposed, that thirty per cent being the difference between the cost of the articles as shown by me and the value of the articles produced as shown by the census. It is a little higher than the present rate of duty, but the explanation of that is that the government in order to carry out the protective principle to its utmost limit, are in the habit of allowing their officers to make a valuation of the duty on articles imported according to their own standard of values. It is the customs officers who fix the values of the articles coming into the country. No note is taken of the fact that a man has honestly and honourably purchased them at a certain figure. By this means the duties are increased, and duty only on that should be charged, but a further artificial value is created in the collection of the duty. It is impossible for us to follow this out in all its ramifications because these are some of the hidden mysteries of the department generated by protection. We have frequent complaints, however, of over-valuation by departmental officers and that is the reason why the 30 per cent represents the difference between the cost of producing the machine and their selling price. It follows that the 30 per cent duty imposed for protective purposes does not go to wages, that the labouring man gets no benefit from it, that the people who produce the raw material reap no benefit from it; but it is clear that the manufacturers themselves get the whole of the 30 per cent. This represents a taxation of $1,730,000 upon those who are producing the one staple article of grain. If my figures are correct, if they cannot be explained away by the government, I believe there is a sufficient amount of generosity in the hon. the leader of the government, and of the members of the Cabinet sitting in this Chamber to admit that if this is the case, they will no longer continue the injustice. That, however, is only one portion of the requirements of the farmers of the North-west. To the extent that their whole purchasing power is affected—to the extent that their 15,000,000 bushels of wheat will enable them to purchase the necessaries of life to that extent, they are bearing the burden of taxation, amounting in the aggregate to 40 per cent.

increase in values artificially raised. I will just quote one more instance to emphasize the argument which I have advanced, and that is in regard to nail and tack factories. I may say that any one can verify these conclusions for himself by sending up to Mr. Botterell and getting No. 3 of the census returns and working out the calculations for himself. If he does this I think he will agree with the argument which I have presented to this House in regard to the commercial conditions of the country.

Now, take the nail and tack factories. The value of imports is $40,000, and the duty imposed and collected is $14,292. In consequence of that protection which is imposed for the purposes of inducing this condition there are 12 factories employing 300 men, 64 women and 41 boys. The fixed capital employed by those 12 factories amounts to $155,000; working capital $247,000, a total of $402,000. Taking 10 per cent interest on that, we have forty thousand dollars as the profit of capital, or if we accept my hon. friend's suggestion, 20 per cent if you like, it only alters the condition in degree. The amount of wages paid $152,000, raw material used $457,000. These are the three items that go to make up the cost of producing nails and tacks in Canada, and they amount altogether to $641,000. The value of the articles produced in the nails and tack industries is $744,000 or $103,000 is the difference between the cost of the articles produced—according to my showing—and the value of the articles produced according to the showing of the census return, and in that case again we have the cost increased by about the value of the duty imposed. But there is this position to be taken in regard to the question, and that is while the labour and industry in Canada that is supplied with the nails and tacks have to bear a burden of $116,000 a year, the revenue of the country only gets $13,000. There the tax is multiplied nearly eight times over what is raised for revenue purposes. It is that great burden of taxation that is going to produce disastrous results in the long run. We have not felt the full effect of it yet, but we are bound to feel the effects of it in connection with the depression to which His Excellency has referred. If it is necessary to impose a tax of $103,000 on our mail and tack industry over and above the tax the revenue gets the benefit of, what is that imposed for? It is imposed to press upon the industry of the country for the benefit of these twelve factories.

Hon. Mr. KAULBACH—Why does not my hon. friend start one in Manitoba?

Hon. Mr. BOULTON—I do not wish to start one up there. In fact it would be impossible for us to do so. You can only start a factory in a district where there is a population large enough to warrant its maintenance. The smaller the population you have to serve, the greater the cost of supplying the population. It is on that basis and for that purpose that protection is afforded. Because we have a small population, manufacturers cannot compete if they are restricted to the local market, and that is why so many manufacturing industries have been closed. I would not argue for the abolition of our commercial policy, if I thought it was going to destroy our manufacturing power; but I know it will not destroy our manufacturing power. By the adoption of the policy of the people of Great Britain under which their manufacturing power has been increased so enormously, we will multiply our industries in Canada. Take the Massey industry as an example. It could multiply its output in the city of Toronto four fold by the adoption of a policy which would cheapen the cost of their raw material. If, instead of having to pay 50 per cent on the bar-iron they use and other raw material, 575 labouring men working for them have to pay taxation on the necessaries of life, I say that the Massey Manufacturing Company would then have a chance of entering the markets of the world for the sale of their manufactures. There are markets in the Argentine Republic, the Cape of Good Hope, Hungary and all over the world where agricultural machinery is used, and if you can supply a cheaper machine, you can have no difficulty in extending your foreign trade to an extent undreamt of in the history of Canada, and by seeking to enlarge the population for whom you are able to manufacture by a new economic condition, you are bound to cheapen the articles to home consumers without imparing the value of the industry to the country but on the contrary you increased the demand for labour and employment in the country, because if you can compete successfully in the foreign market you can also do so in the home market.

Hon. Mr. KAULBACH—Why is it Great Britain does not take advantage of that?

Hon. Mr. BOULTON—Because we have made a speciality of agricultural machinery. Our prairie country has taught us the best and cheapest methods and produced the best patents for agricultural machinery. Other countries are not placed exactly in the same way. We have the experience of the great prairies of the western states and of our own country to help and guide us to perfect machinery, both in economy of production and ease of action, and other countries have not been able to produce them to compete with us. We can compete with the United States and with the world in the production of these machines, provided the commercial conditions are made so that we can successfully compete. If you cheapen the cost of production to the Massey Manufacturing Company by 30 to 40 per cent as the case may be, and they are permitted to exchange the home market for a foreign market, by the cheapening of production, is not the population of Canada and of the city of Toronto particularly going to be multiplied to the extent that the manufacturing of that machinery will involve. No doubt the Massey Company will say to the government, give us the home market by protection and and give us the foreign market by a remission of duties, but can manufacturers have their cake and eat it. The government themselves have acknowledged the principle —they have taken off the duty imposed on the Massey Manufacturing Company and other manufacturers in order to put them in a position to compete in foreign markets and to export their manufactures. I say it is an injustice to the farmers of Canada and to the people of Canada generally to continue a policy which is increasing the price of every necessity of life and retarding every effort to increase our industries beyond the purchasing power of five millions of people. We are not pursuing the true national policy which is calculated to develop the reresources of our country. Nobody more desires to see Canada taking its place as an important part of the British Empire than I do, and I repeat, instead of trying to induce the people of Great Britain to adopt a protective policy we should try to work together with the people of the mother country. If the mother country were forced into the position of adopting a protective policy it would be turned at once against the people of Canada. They will not pay for protection for the benefit of the people of Canada or of Australia or of any other outside portion of the Empire. They are conducting their business on a business basis. The indications are that the policy of our government is working in the direction of trying to induce a policy of imperial protection. I do not think, however, that any movement on the part of the colonies will ever induce the people of England to change from free trade, but at the same time in so far as our efforts are directed in that way they will re-act upon ourselves. The people of Great Britain are suffering to-day, no doubt, but it is not in consquence of their free trade policy, but because their chief customers have impoverished themselves by protection.

Hon. Mr. KAULBACH—Did I understand the hon. gentleman to say that the policy of the British Government is tending to protection?

Hon. Mr. BOULTON—No, I said that notwithstanding the efforts we might put forth to produce such a change we will not succeed in moving the British people from the sound free trade policy which they have pursued so successfully for half a century. What I do say is that the depression in Great Britain to-day is due mainly to the decreased purchasing power of Canada, the United States, the Argentine Republic and other important customers of Great Britain, and to the extent that our purchasing power is reduced we are unable to purchase the commodities of Great Britain. The Trade and Navigation Returns, for the last six months of last year, show that there has been a decrease in the purchasing power of the people of Canada to the extent of seven millions of dollars less than in the corresponding six months of the preceding year, the first six months under the new tariff. Of course, the cheaper things are the more we are able to purchase. Under protective taxation there is an artificial price created for the necessaries of life, while the price of our material and natural products is left to natural and competitive conditions. If you alter your policy you will increase the purchasing power of the people. It is in consequence of the restrictive power of protection in the United States, Canada and other countries,

that there is a lack of employment for labour in England, that great consuming market for the surplus production of the world. Protection is a policy of restriction to create scarcity, free trade is a policy of competition in order to produce plenty and to the extent that it is pursued to that extent you are increasing the demand for labour in order to manufacture and produce the larger quantities that labour is able to purchase in consequence of the abolition of that 40 per cent protective taxation on the retail value of the necessaries of life in Canada. The House has listened to me with a great deal of patience, but I trust I have brought forward facts and figures that will cause the leader of the government to make himself at any rate acquainted with the truth of what I allege. I only advance these statements to the House as they present themselves to my mind—as they present themselves to our mind in that western country where we have to buy agricultural machinery for our own use and where we find the necessaries of life abnormaly increased. I can only present them in that way and it is for those who desire to continue that oppressive policy to prove that I am incorrect in the statements that I am making.

The next clause of the Address is :

> We are greatly pleased to hear that, during the period that has elapsed since the last session of Parliament, Your Excellency had an opportunity of visiting many portions of the Dominion, including the Maritime Provinces, Manitoba, the North-west Territories and British Columbia ; that throughout these tours Your Excellency was impressed and gratified by manifestations of an abounding loyalty and public spirit ; and that, notwithstanding the phase of trade depression already referred to, you observed everywhere unmistakable signs of that confident hopefulness in the future, based on a thorough belief in the greatness of the resources of Canada, which, you are graciously pleased to say, is one of the characteristics of her people and furnishes a good augury and pledge of further development and progress.

I may say that I had the pleasure of meeting their Excellencies out west myself, and their visit afforded a great deal of pleasure to the people there. They saw in the province of Manitoba and in the Territories progress and prosperity so far as the bounties of providence are concerned. We have a prolific soil and an exceedingly rich country, and are able to produce in consequence of the climatic conditions there a class of cattle and a grade of wheat that will always be sought for, and for which we can get the highest price. It would perhaps surprise honourable gentlemen to know that of 85,000 head of cattle exported from Canada last year, about 35,000 head went from Manitoba and the North-west. To that extent we have occasion to be very grateful indeed, but there are some who by legislation desire to take the cream off the milk in the province of Manitoba and the Territories, and it is our effort to preserve that cream for those whose industry and labour create it so far as justice demands. I do not see why we should be made hewers of wood and drawers of water, to distribute wealth improperly and unjustly so far as our territory is concerned. If we have a fertile soil, and are able to produce the best class of wheat, we want to get whatever value there is in it, and if the legislation of the Federal Parliament enables a favoured class of people to profit by our industry to a greater extent than legitimate competition would enable them, a manifest injury is done by the government that imposes that upon us. Notwithstanding the oppressive tariff, such is the richness of that country, that I think their Excellencies were impressed with the beauty and value of the country and with the high character of the population existing there. They must have seen that everything augurs well for the future of that country, and it is for this Parliament to assist us in developing our resources by fair and proper legislation. We are essentially an agricultural community in the North-west, and I feel perfectly sure that a change in the commercial conditions of the country will make this eastern portion of Canada one of the greatest industrial centres on this continent, if not in the whole world, but a continuance of the present policy will bring disaster upon the country, and especially upon western Canada.

The next paragraph deals with the admission of the Island of Newfoundland to the union. I trust that the people of Newfoundland will decide in favour of joining the confederation, and I believe that the result will be of great and lasting benefit, not only to them but to the whole Dominion, extending the principles of the British constitution and its liberty loving progress on the continent. There are several bills to be presented to us. There is just one thing that I should like to say so far as the passing of bills is concerned—I see no reference to the Copyright Act

or the Freight Rates Commission. There has been a great deal of discussion with regard to copyright, and it is desirable that we should inquire carefully as to all the merits of the case. It seems to me that the Copyright Act is being pushed in this country in the interests of the publishers as the protective policy is being pushed for the benefit of the manufacturers. The rights of authors and patentees should be well considered. We have talent in Canada and that talent must find its outlet in other countries as well as in this. It is not desirable therefore that any copyright that we should force upon the Imperial Government should in any way have the effect of driving our authors and men of brains out of the country. The fine arts are an important factor in the progress and development of our christian civilization and deserve the earnest consideration of the government. I merely draw the attention of the government to the fact that there are two sides to this question, and I do not know that it is a wise thing for us to keep ourselves out of the Berne convention as we have done and are seeking to do at the present moment. It would continue to place us at a great disadvantage, so far as copyright is concerned. The report of the commission on freight rates, which is merely a collection of the data given by interested parties through departmental inquiry, will afford Parliament an opportunity to inquire whether, in the collection and distribution of the large revenue earned by the Canadian Pacific Railway, there is not a discrimination against our western country in the vital question of inland transportation. I trust the report will be available before the session closes. Before concluding, I feel it incumbent on me to congratulate ourselves on the addition of another honourable member of this honourable House to the Cabinet, and I congratulate the hon. Senator from Prince Edward Island on being the one selected, the next step, I hope, will be a portfolio.

Hon. Mr. POWER moved the adjournment of the debate.

Motion agreed to.

The Senate adjourned at 5.45 p.m.

## THE SENATE.

*Ottawa, Wednesday, 24th April, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE STANDING COMMITTEES.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That pursuant to Rule 79, the following Senators be appointed a committee of selection to nominate the Senators to serve on the several Standing Committees, namely :—The Honourable Messieurs Allan, Angers, Bernier, Macdonald (Victoria), McClelan, Miller, Power, Scott, and the mover ; and to report with all convenient speed the names of the Senators so nominated.

Hon. Mr. POWER—Does the hon. gentleman move that as a motion or is he merely giving notice ?

Hon. Sir MACKENZIE BOWELL—It is a motion. It has been on the notice paper for two days.

Hon. Mr. POWER—It is not usual to introduce any business until after the passing of the address.

Hon. Sir MACKENZIE BOWELL—If there is any objection to the course I am taking, I shall not press the motion now. I have only done so to facilitate business.

Hon. Mr. POWER—I do not press the objection.

The motion was agreed to.

## THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day having been read ; Resuming the further adjourned debate on the consideration of His Excellency the Governor General's speech, on the opening of the Fifth Session of the Seventh Parliament.

Hon. Mr. POWER said : I presume that the proper course, with respect to certain changes which have taken place in the government since last session, would be to wait until the leader of the House had made his explanations, which I presume will come

after the adoption of the address to His Excellency; but inasmuch as the mover of the address and certain other hon. gentlemen have referred to the changes which have taken place in the Administration, I presume that I shall be pardoned if I follow their example. I fully endorse what was said by the hon. mover of the address, and by other hon. gentlemen too, with respect to the honours which have been conferred upon the leader of this House since last session. The honour which Her Majesty was graciously pleased to bestow on that hon. gentleman is one to which he is, in my opinion, entitled. I think that the leader of this House should be a knight, and I am certain that the leader of the government should, if he wishes, be a knight; and if any Conservative is entitled to the distinction, nobody deserves it better than the hon. gentleman who leads this House, apart altogether from his position. This government is a protectionist government. The hon. gentleman is a thorough-going protectionist. He has been a protectionist for a good many years, and has been consistent as far as he knew how to be; and, what distinguishes him from a great many other protectionists, he is, I believe, thoroughly honest in his advocacy of protection. The hon. gentleman has also been promoted to the leadership of the government, and those qualifications and claims which entitle him to the honour of knighthood, entitle him in a great degree, to be leader of a protectionist government. Apart altogether from the hon. gentleman's political views, we have had some experience of him in this House. He has been the leader of the Senate for two sessions previous to the present one, and he has shown himself economical and business-like in dealing with the affairs of the Senate. If he deals in the same way with the business of the country, I have no doubt that under his leadership we shall have as good a government as we can get from the Conservative party. Any deviations which may take place from the right path in the conduct of the government—and I have no doubt there will be a good many—must be attributed not to the hon. gentleman, but to his wicked partners in the other House of Parliament. There was one thing that struck me in the speeches of two or three hon. gentlemen who preceded me—particularly the speech of the hon. gentleman from Prince Edward Island, who seconded the address. These hon. gentlemen dealt in a very feeling way with the recent mortality amongst premiers. Now, I respect and admire the hon. leader of the government and of this House, and I have a very considerable degree of affection for that hon. gentleman, and if this mortality amongst premiers is to continue, I believe that the hon. gentleman's chances of living a long time, as we all hope to see him live, will be very much promoted by his coming to this side of the House and allowing my hon. friend from Ottawa to take the seat which he now occupies. Hon. gentlemen laugh. They do not seem to perceive that the mortality has prevailed only amongst Conservative premiers; and perhaps after we have been in power for eighteen years we may not object to having some of our leaders die off too.

Another change has been made in the administration which has been referred to by one or two hon. gentlemen, and that is the taking into the government of the hon. gentleman from Marshfield. Although I do not know very much of the hon. gentleman's career in Prince Edward Island, I know enough to be aware that he has been a very prominent and active member of the Conservative party there for many years—that probably for the last few years he has been the most prominent and active member of that party in Prince Edward Island, and we know that since he has been in this chamber he has been active in doing the work of the government and of the Conservative party; and I do not think any one will question his claim to the seat in the government which he now occupies. It has occurred to me that, while that is perfectly true, there was a great deal of force in what was said by the hon. gentleman from British Columbia the other day, when he complained that his province, during all the years it has been in the union, has never had a representative in the Cabinet. I do not know whether the hon. gentleman gave the reason or not—I am disposed to think he did—but I consider that one of the principal reasons for that non-representation in the Cabinet is that British Columbia has sent to Parliament an unbroken phalanx of supporters of the Conservative government. If British Columbia had done as Prince Edward Island has done—sent four out of six members to oppose the Government—it is not unlikely that the hon. gentleman from Victoria (Mr. Macdonald) would have been

a member of the government some time ago. There is another point in connection with the province from which I come that deserves consideration. The Island of Cape Breton has sent an unbroken phalanx of members to support the government, and the hon. gentlemen in this Chamber from that island have also continuously supported the government, and it did seem to me that in the recent reconstruction of the government, some of those gentlemen from Cape Breton might have been thought worthy of a place in the administration. As it is now, the two members of the Cabinet from Nova Scotia are practically both from the county of Cumberland. The Minister of Justice and the Minister of Militia are both Cumberland men, we may say ; and in addition to that we find that the important office of High Commissioner in London is filled by another gentleman from Cumberland. I do not say that there is a family compact, but it looks like a county compact when, of the eighteen counties in Nova Scotia, only one is represented in the government, and that by two members of the Cabinet, in addition to the High Commissioner. I should hope the hon. leader of the government, in whose sense of justice I have great confidence, will see that this inequality—to put it mildly—is remedied before we meet again.

Taking up the Speech from the Throne, the first paragraph deals with the lamented death of the late Premier. If I were to undertake to add anything to what has been so admirably said by several gentlemen who have preceded me, beginning with the hon. gentleman from Pictou, it would be attempting to "gild refined gold," and I shall not undertake the task.

The next paragraph of the speech refers to the treaty with France. In that treaty I took a great deal of interest. We discussed it at considerable length during a previous session, and it was an open secret that the hon. gentleman who is now Premier and the hon. Minister of Finance, who now leads the House of Commons, were not at all in love with that treaty. I do not propose to discuss the subject any further, except to say that I can understand why these hon. gentlemen were not in love with the treaty. The Premier is, above all things, a protectionist ; and this treaty, as far as it goes, is a free trade measure. It proposes to allow certain productions of France and, as a consequence, of Germany and Belgium, to come into Canada at reduced rates of duty and—that is the important point—to compete with our own products. We know that numerously signed petitions against the ratification of that treaty came here from the vine-growers of the hon. Premier's own province, and I can understand how he should not be in love with the treaty. Then, again, the treaty is by no means a prohibitionist measure. It proposes to make wine cheaper to the inhabitants of this country ; and I can understand how a gentleman like the Minister of Finance who, when he first entered Parliament, at any rate, was a champion of temperance and prohibition, should feel some qualms of conscience in supporting a measure which would render wine cheaper and more abundant.

The next paragraph of the speech deals with intercolonial preferential trade and expresses gratification at the fact that there will be an opportunity for the different colonies to reduce the rate of duty on goods imported from one colony to the other. I can hardly understand the attitude of the government with respect to the trade with the Australian and other colonies—because we see from the papers that they propose to reduce the duties on articles coming from South Africa as well as from Australia. It seems to me that if lowering the tariff barriers and allowing the products of those colonial regions to come into Canada is a good thing, there is no reason why it should not be a good thing to lower the tariff barriers and allow the products of England and the United States to come in at low rates. Why is this distinction made ? Why does this government, which is a protectionist government, when we deal with England and the United States, become a free trade government when we come to deal with Australia, Cape Colony and, to a certain extent, with France ? Is it because the products of England and of the United States compete chiefly with the products of our manufacturers, while the products of Australia, Cape Colony and France compete with the products of our farmers ? Is that the reason ? There does not seen to be any other sufficient reason given. Just look at this Australian trade. Last year we paid $125,000 in steamship subsidies to enable the Australian farmers to compete with our own in British Columbia. Our total export to Australia was only $322,000 ; and we paid

this subsidy to allow the farmers of Australia to send their mutton, butter and other products into Canada, chiefly into British Columbia, to compete with the mutton, butter and other products of our farmers. I cannot understand how gentlemen, like the members of the government, who proclaim themselves to be the farmers' best friends, can justify such action as that.

The next matter of which the address speaks is the Manitoba school question. I regret that I shall feel obliged to deal with that somewhat in detail, but before I express my own views on the subject I may be pardoned if I refer briefly to the speech, made yesterday by the hon. gentleman fron Shell River. That hon. gentleman made a very eloquent and valuable speech, as he always does, but he laid down some propositions with respect to constitutions and to the school question which certainly possessed the merit of novelty. The hon. gentleman, for one thing, laid down the proposition that because in 1870, when the Manitoba Act was passed, the Red River settlement was included within very narrow limits and had a very small population, therefore, when the limits of the province were greatly widened, and when the population had greatly increased, the province was not to be bound by the constitution which had been formed for it in its infancy. The hon. gentleman did not carry that argument any further. He limited that condition of things to this school matter alone. The same logic would apply to every other provision in the Manitoba Act. If Manitoba, now that she has outgrown her swaddling clothes, is not to be bound by the provisions in the constitution with respect to the school law, why should she be bound by the provisions with respect to any other subject dealt with by the constitution? I think the hon. gentleman will find it very hard to tell why. The hon. gentleman took the ground that it was unfair that the majority should find their hands tied by this constitution framed so many years ago when the population was so small. The hon. gentleman seems to altogether misapprehend the intention of constitutions. What is the object of a constitution? It is not to protect the majority, who can always protect themselves. The object of every constitution is to protect the minority fron the perhaps unwise and possibly tyrannical acts of the majority.



Hon. Mr. BOULTON—Not by special legislation.

Hon. Mr. POWER—Every constitution is, in some sense, special legislation. The constitution of Manitoba, is just like the British North America Act—it contains provisions almost identical with those of the British North America Act. I have not heard the hon. gentleman say that those provisions of the British North America Act with respect to schools which deal with the province of Quebec are highly objectionable, and should be got rid of, and that the majority of the province of Quebec should to-day dispense with that portion of that constitution. The hon. gentleman does not seem to understand what the constitution is for. In the United States every one recognizes the fact that a constitution is simply intended to prevent a temporary majority from doing unwise or unjust acts, or acts which are deemed by those who frame the constitution unjust or unwise. There is a way of amending the constitution of Manitoba, just as there is a way of amending the British North America Act or the constitution of the United States. An address to Her Majesty, asking for imperial legislation, is the proper and constitutional way to go about it. I do not propose to deal with the merits of the separate school question. The hon. gentleman spoke as though the fact that the minority had separate schools was a grievance to the majority. Inasmuch as the minority numbered altogether only 20,000, surely the fact that they had their own separate schools could not very much effect the 200,000 people outside. There is no tyrannizing by the minority over the majority. Then the hon. gentleman told us that the minority had no grievance. I think he said that distinctly, that the Manitoba Act of 1890 had not done the minority any injury.

Hon. Mr. BOULTON—I do not think you will find that in my speech.

Hon. Mr. POWER—Substantially, yes. I understood the hon. gentleman to take that ground—that the minority had no grievance. I am within the judgment of the House. Now, I turn to the decision of the Privy Council delivered by the Lord Chancellor; and I may observe, hon. gentlemen, that

there was no Catholic among the law lords who gave that judgment. At page 8 of the pamphlet which has been distributed, I find this language :

The establishment of a system of public education in which both parties would concur was probably then in immediate prospect. The legislature of Manitoba first met on the 15th March, 1871. On the 3rd of May following, the Education Act of 1871 received the royal assent. But the future was uncertain. Either Roman Catholics or Protestants might become the preponderating power in the legislature, and it might under such conditions be impossible for the minority to prevent the creation, at the public cost, of schools which, though acceptable to the majority, could only be taken advantage of by the minority on the terms of sacrificing their cherished convictions. The change to a Roman Catholic system of public schools would have been regarded with as much distaste by the Protestants of the province as the change to an unsectarian system was by the Catholics.

And then their lordships of the Judicia Committee of the Privy Council deal with another argument of the hon. gentleman as to provincial rights.

Before leaving this part of the case, it may be well to notice the argument urged by the respondent that the construction which their lordships have put on the second and third subsections of section 22 of the Manitoba Act is inconsistent with the power conferred upon the legislature of the province to "exclusively make laws in relation to education." The argument is fallacious. The power conferred is not absolute, but limited. It is exercisable only "subject and according to the following provisions." The subsections which follow, therefore, whatever be their true construction, define the conditions under which alone the provincial legislature may legislate in relation to education and indicate the limitations imposed on, and the exceptions from their power of exclusive legislation. Their right to legislate is not, indeed, properly speaking, exclusive, for in the case specified in subsection 3, the Parliament of Canada is authorized to legislate on the same subject. There is, therefore, no such inconsistency as was suggested.

Then, on page 9, the Judicial Committee deal with the ground taken by the hon. gentleman, that the minority have no grievances—

Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. Before these passed into law, there existed denominational schools, of which the control and management were in the hands of Roman Catholics, who could select the books to be used and determine the character of the religious teaching. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for these purposes by local assessment, was, so far as it fell upon Catholics, applied only towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890? Schools of their own denomination, conducted according to their views, will receive no aid from the state. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which state aid is granted to the schools provided for by the statutes fall alike on Catholics and Protestants. Moreover, while the Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined to any extent for the support of Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children, than if they were distinctly Protestants in their character.

It is not necessary for me to deal further with the speech made by the hon. gentleman from Shell River, so far as it relates to the matter of schools. I think he is sufficiently answered by the judgment of the Judicial Committee of the Privy Council. I presume the hon. gentleman will not say that that is either a prejudiced or incompetent tribunal. Leaving the speech of the hon. gentleman, I may say that with respect to this Manitoba school case, there is very little said in His Excellency's speech. The paragraph says :

We thank your Excellency for informing us that, in conformity with a recent judgment of the Lords of the Judicial Committee of the Privy Council, to the effect that the dissentient minority of the people of Manitoba have a constitutional right of appeal to the Governor General in Council against certain Acts passed by the legislature of the province of Manitoba in relation to the subject of education, your Excellency heard in Council the appeal, that your decision thereon has been communicated to the legislature of the said province, and that the papers on the subject will be laid before us.

Now that is a very non-committal and purely harmless sort of paragraph ; but while there is very little said on that subject in the speech made by His Excellency to Parliament, a great deal has been said on the platform and in the press. The hon. Minister of Justice came down to the province of Nova Scotia and went into the county of Antigonish, a county which is almost altogether Catholic, where five-sixths of the voters are Catholics, and he told the people that this question of the Manitoba schools was the great question for the electors. The hon. Minister of Public Works, I understand, went into the county of Verchères and talked very much in the same way. Hon. gentlemen will see what the position is with respect to this Manitoba school question. I shall ask leave to read two or three more extracts from this pamphlet ; and I

shall not read now from the judgment of the Privy Council, but shall read from the Order in Council. The order recites the decision, which I need not refer to again; but there is this language used in the order made by the Imperial Privy Council when the decision of the law lords was submitted to them :—

> That the recommendations and directions therein contained be punctually observed, obeyed and carried into effect in each and every particular, whereof the Governor General of the Dominion of Canada for the time being and all other persons whom it may concern, are required to take notice and govern themselves accordingly.

That is pretty emphatic language. It has been said that the government had the discretion to act, or not to act, as they pleased. I appeal to hon. gentlemen of this House, when the Judicial Committee of the Privy Council had decided that certain rights of the Catholic miniority had been interfered with and that they had the right to appeal —I appeal to the hon. members to say whether when the Imperial Order in Council ended with that language it was open to the government here to fold their arms and say "We shall not do anything about it." That is the attitude of some hon. gentlemen who oppose the government, as well as some gentlemen who support the government.

Hon. Mr. MACDONALD (B.C.)—Had the Privy Council the right to pass the order?

Hon. Mr. POWER—Well, they decided on the law, and that was their opinion. This remedial order gives in detail the rights of Roman Catholics which the minority had been deprived of by the Manitoba Acts of 1890. They are enumerated at page 24. My view is that the government here were not in a position to act or not to act. I feel that in issuing the remedial order which they did the government here were simply carrying out the decision of the Imperial Privy Council and doing what they were ordered to do by that decision; and that they were practically doing the sort of work a sheriff does when he serves a summons or any other writ. The court had given its decision and the writ issued. I do not complain of the remedial Order in Council. I think that the government merely did their duty in this matter; but hon. gentlemen, the government are so little in the habit of doing their duty, and their followers as well as their opponents so rarely find them doing it, that most people were more or less surprised that they had done their duty. It is not a remarkable thing, but the government being so unused to doing their duty they thought that because they had in this particular matter done their duty for once, therefore, they were entitled to the support of all parties, not in this particular matter alone (I hope in this particular matter they will have the support of all parties) but in all matters. When they went down to different constituencies in this country, they thought the people of these constituencies should forget all their shortcomings and manifold offences during the last eighteen years and return their candidates simply because they had in this particular case done their duty. It is something the same as though a man who was about dying and who had led a particularly bad life, who had been a drunkard, a thief and a liar and had violated nine out of the ten commandments, should think he was entitled to a high place in the next world because he had not broken the tenth commandment. Now, hon. gentlemen, the voters of Antigonish and Verchères did not look at the thing just in that way. The electors of Antigonish thought that the fiscal policy of the government should be somwhat considered. The voters of Antigonish knew that the government professed to be the friends of the farmers, they knew that the policy of this farmer-loving government had depopulated their county to the extent of one-tenth—that the population had been reduced by one-tenth between 1881 and 1891. It is not because the people of that county are not given to marrying and giving in marriage, but it is simply because the people have had to leave the county because under the beneficient policy of the government they could not make a living in that county—one of the best agricultural constituencies in the whole Dominion. The electors knew that the promises of 1878 had not been redeemed. They knew that the emigration had not been stopped. That was one of the things which the former leader of the Conservative party, Sir John A. Macdonald, declared that the new policy was to do—that it was to put an end to the emigration from Canada. The people of Antigonish knew that instead of an end being put to that emigration, the emigration had largely increased. Then there had been

speeches made by former leaders of the government as well as by the departed premier —the one last deceased—to the effect that the public business of this country was to be carried on in the most scrupulously honest way. The electors of Antigonish felt that those promises had not been redemed. They were fairly familiar with what is known as the McGreevy case. They were not aware at that time that Mr. McGreevy was to sit again in Parliament as a supporter of the administration, but they knew the history of what was known as his case. They knew of what is commonly described as the Curran Bridge case, knew something about what was spoken of as the hard-pan claims in their own province, and they had the fact that the Minister of Justice who came down to ask them to vote for the Conservative candidate had, before coming down, reinstated in his place an officer who had been dismissed by the former representative of Antigonish for gross misconduct—that is, the deputy warden of the penitentiary of British Columbia. Under these circumstances, the administration of the present government was not satisfactory to the voters of Antigonish and they decided to elect a man of their own choice, a man who supported the reform party whose general policy they preferred. The government candidate professed to make the Manitoba school question the sole issue. The gentleman, they did elect is as good a friend of the minority in Manitoba as the man who was not elected, and if any measure to improve the condition of the minority in Manitoba, is introduced, I have no doubt but that the government will have the support of that gentleman. Then when the electors exercised their undoubted right to elect a man of their choice, what was the line taken by the government press? I have said that the government did their duty, and if they had done this through a sense of duty, they would have been entitled to a certain modicum of credit. But, if we judge from the language of the Montreal *Gazette*, which I think is looked upon as being one of the organs of the government, the government were not guided solely by a sense of duty. What does the *Gazette* of Friday last say—two days after the election?

> One inference drawn in some quarters is that if the electors who spoke on Wednesday fairly voiced the sentiment of the country, and they spoke in three provinces, the government has not only received no encouragement, to proceed with remedial legislation but has actually been instructed that any measure towards that end will obtain scant support. Under the circumstances the question whether an appeal to the whole electorate ought not to precede remedial legislation may fairly be raised, if the Manitoba Government declines to obey the suggestion and finding of the Judicial Committee of the Privy Council.

And again:

> The speech from the throne affords no clue to the course the government may deem fit to pursue in the event of the Manitoba authorities declining to modify their school laws, but it would be folly to shut our eyes to the fact that the result of the bye-elections has somewhat altered the position of the question.

Hon. Sir MACKENZIE BOWELL—How does that affect the position you take, that the government is not honest?

Hon. Mr. POWER—If the government were actuated solely by a sense of duty, the fact that when they appealed to two or three constituencies, those constituencies had not returned members to support the government would not affect their subsequent action at all.

Hon. Sir MACKENZIE BOWELL—It is one of the deductions drawn from the result of the elections by the editor of that paper, that is all.

Hon. Mr. POWER—As a rule, what one sees in the Montreal *Gazette* is not likely to be far away from what the government and its supporters think. The government had no choice in dealing with this Manitoba school question. I may say that, up to last Monday, it was not at all clear—Parliament had no inkling in fact—as to what the government proposed to do. Their remedial order was simply, as I said, the sort of ministerial work, which is done by a sheriff. I call the attention of the House to the fact, that when challenged on the hustings in the county of Antigonish to state what the government would do if the legislature of Manitoba refused to obey the remedial order, the Minister of Justice did not venture to say what their policy would be. That being the case, it is clear that the government candidate was in no sense entitled to claim in a special way the support of the Catholic electors. I am free to admit that the speech made by the hon. leader of the government on Monday did put a somewhat different face upon the matter. What he said is in the remembrance of hon.

members, but I just quote one expression which seems to me to make fairly clear what he and presumably the government propose to do :

It must prove to every reader of that debate, this important fact that when the resolutions were introduced admitting Manitoba into the confederation, it was believed we were granting the same rights and privileges to the Roman Catholics of Manitoba that had been granted to the minority in Quebec and to the minority in Ontario in relation to schools. It was for that reason, believing that we were conceding to that province what they did not then have, that I recorded my vote as I then did ; but I trust the day will never arrive when the party with which I am connected will violate any agreement into which they have entered.

The hon. gentleman recognized the Manitoba Act as an agreement. I hope that in making this utterance, he was speaking in his capacity as leader of the government and as representing the sentiment of the government. I was a little surprised at the reference made by the hon. the leader of the government to what had taken place on former occasions. The hon. gentleman said that it was a matter of satisfaction to know that in 1870 and 1871, a Conservative government was in power in Manitoba ; and he intimated that if a Conservative government were in power there now, they would do justice to the minority.

Hon. Sir MACKENZIE BOWELL—There never would have been any occasion for such action.

Hon. Mr. POWER—The hon. gentleman perhaps is right—perhaps he is not. He referred, in his speech which I have just quoted, to the difference between the opinions expressed by various members of the Opposition. I am not aware that there has been any very great divergency in the opinions expressed by the members of the Opposition, but if there has been, they are no worse than the government, for the hon. gentleman's own colleagues told totally different stories in different parts of the country. Down in Antigonish and Verchères the electors were asked to support the government candidate because the government proposed to introduce remedial legislation. In the county of Haldimand, however, it was represented that the remedial order was a mere mechanical act on the part of the government—an act, as I said before, somewhat similar to that of a sheriff who served a writ—and that it did not commit the government to anything. The hon. gentleman took the ground that always and everywhere the Conservative party was the party which had supported the rights of minorities. Now the hon. gentleman's memory must be failing ; because it is within the knowledge of every hon. gentleman here that during the last three elections in the province of Ontario the party with which the Dominion Government is associated made their greatest attack upon the local government on this very question of separate schools, claiming that the Liberal government were too friendly to the separate school system. Not only is that the case, but I happen to have under my hand an extract from a platform adopted by the Conservative party of the province of Manitoba previous to the election of 1892. This document was adopted at a convention held in Winnipeg on the 30th of May, 1892. The sixth article or plank of the platform relates to schools and is as follows :

The Opposition hereby declare :

1. That they are in favour of one uniform system of public schools for the province.

2. That they are ready and willing to loyally carry out the present act should it be held by the judicial committee of the Privy Council of Great Britain, to be within the legislative power of the province.

3. That in the event of such school act being held by the judicial committee of the Privy Council of Great Britain to be beyond the legislative power of the province, they will endeavour to secure such amendments to the "British North America Act" and the "Manitoba Act" as will place educational matters wholly within the legislative power of the province of Manitoba, without appeal to the governor in council or the Parliament of Canada.

Now in the face of these facts, I must say I was surprised at the line taken by the hon. the leader of this House, I have always admired the boldness of our opponents ; and I do not know that I have ever seen a better example of that boldness than is afforded in this case. As to what the government ought to have done in this matter I do not propose to say very much. The hon. gentleman from Ottawa (Mr. Scott), said that the government ought to have disallowed the Acts passed by the legislature of Manitoba in 1890 ; and, under all the circumstances, perhaps if I had been a member of the government I should have been in favour of that line of policy. At the same time, I am not prepared to say that the government were very much to blame for the line which they did take The resolution introduced by the Hon. Mr.

Blake in the other House of Parliament, which was afterwards crystallized into a statute, was, on the whole, a wise and judicious one. When questions come up which are calculated to excite strong feeling, like questions of race and religion, it is well to have an impartial tribunal to deal with them, and I am not prepared to say that Mr. Blake made a mistake in that instance. I think, however, that the event has shown that it would have been the wisest plan to have disallowed these Acts at first, because a great deal of difficulty would have been avoided. It is a very hard thing now to go back to the position in which things were in 1890. With respect to the future, I hope that the province of Manitoba will itself settle this difficulty. That province was the cause of the difficulty, and I think it should settle it. There is this further advantage to urge on behalf of such a course (among others) that any statute passed by the province could at a later date be amended if necessary, while it is questionable whether we could amend the Dominion legislation. I think we could, but the remedial order expresses a doubt, and it is better that there should not be any doubt on a question of that kind. I am glad to be able to gather, from the observations of a member of the government in the other House of Parliament, that the government would not insist upon the absolute re-enactment of the Act of 1881. That is the Act which I believe was repealed by the Act of 1890, and in it were embodied and consolidated the previous provincial Acts relating to education. In other provinces of the Dominion it has been found practicable to combine efficiency in secular teaching with a certain amount of religious training; and I feel that there ought to be statesmanship enough in the province of Manitoba to be able to bring about that state of affairs there also. I do not feel that I am authorized to speak for the opposition, but I am not going too far when I say the government may feel assured that if action on their part becomes necessary through the inaction of Manitoba, there will be no attempt on the part of the opposition to embarrass them any more than there was on the question of the Jesuits' Estates Act. The hon. the leader of the opposition stated months ago that he did not propose to make use of the Manitoba school question as a means of getting into power, and I do not think that he has changed his views upon that subject.

To my surprise I find a paragraph in his Excellency's speech referring to the existence of a depression in trade in Canada. Now I did not think that we were ever to have anythink of that sort in Canada again. We were told that one of the main objects of the National Policy was to render Canada proof against all these attacks of depression in trade. This paragraph mentions the fact that this depression is world wide. Well, there was world wide depression in 1877-78, but I remember that the hon. gentlemen and their friends did not say that that was any excuse for depression in Canada then. They blamed the government of the country for it. They held that the government of the country should make the country prosperous by legislation; and we remember the contemptuous way in which the government of that day, who did not pretend that they could control this world wide depression and keep it out of Canada, were spoken of as "flies on the wheel." Now those gentlemen, who ridiculed the government of that day as flies on the wheel, have come down to Parliament and admitted that, after all, they are only flies on the wheel themselves. I am not going into this trade question particularly, but there are two or three points about it which suggest themselves to one. The government try to pose as friends of the farmers. It is a curious thing that, after seventeen years of this policy of the farmers' friends, there are according to the census about 7,000 farmers less in the country than there were in 1881. The government may be fostering national industry, but they are certainly not fostering the national farmers. The hon. the leader of the government, to my surprise, claimed for the National Policy our increased export of cheese and butter. The hon. gentleman did not show, and no hon. gentleman can show, how the National Policy, which makes the principal necessaries of life dearer to the farmer, to the people who raise butter and cheese, helps them to increase their export of these articles. The letting of Australian butter into British Columbia and other parts of the country is not calculated to increase the market of the farmers. Then this paragraph of the speech, in a lame sort of a way, tries to find reasons for the deficit which they have to admit, a very large deficit, and they say that it is due to a certain extent to reduction of taxation. Now, inasmuch as a careful investigation shows that the total reduction of taxation amounts, on the business of the

last fiscal year, to one-tenth of one per cent, it is quite clear the reduction of taxation has not had much to do with the reduction of the revenue. If there was one thing which hon. gentlemen opposite, when they were in opposition, and for many years after they had come into power, were fond of talking about, it was the deficits under the Mackenzie administration, and now, hon. gentlemen have got to come to Parliament with a deficit for the present year, which is as large as all the Mackenzie deficits taken together.

Hon. Mr. KAULBACH—Oh, no.

Hon. Mr. POWER—The hon. gentleman may say no, but there are the figures. The deficit is over five millions, and it will probably be six millions by the first of July. The only remedy suggested by His Excellency's speech is economy. Now, hon. gentlemen, the intentions of the government, with respect to economy may be very good, but up to the present time, their execution has fallen short of their intentions. The government have been economical now for more than a year. I think the Finance Minister last year spoke of the necessity of economy, but they are still spending, in spite of their economy, about twelve million dollars a year more than their predecessors did. Mr. Mackenzie's administration spent in their most extravagant year a trifle over $24,000,000, and the present administration have spent somewhere in the neighbourhood of $37,000,000 during the past year ; and it will be remembered that in those days my hon. friend from Quinté and other hon. gentlemen who thought that $24,000,000 was a great deal too much to spend, and that the business of the country could be conducted on about $22,000,000 ; and how these hon. gentlemen can now defend their expenditure of $37,000,000 or $38,000,000, while they are labouring under the present attack of economy, is something one cannot understand. Although this is not perhaps the time to discuss the expenditure of the country, I cannot forbear to call attention to a scheme, illustrative of this proposed economy, which has recently come to light. It has been stated in the newspapers, and I think there is good foundation for the statement that the government propose to make a grant to the Hudson Bay Railway Co. of something like two and a half million dollars, which would involve a permanent charge of about $100,000 a year, which is a great deal more than would be made up by many small economies ; and the government propose to do this in the face of the fact that, in as far as evidence taken with respect to that Hudson Bay route is concerned, the weight of that evidence is altogether against the practicability of the Hudson Bay route as a means of getting out the harvests of the North-west.

Hon. Mr. PERLEY—It is not the Hudson Bay Railway. It is a colonization road.

Hon. Mr. POWER—Well, it is called in the newspapers the Hudson Bay Railway. The government, the other day, were thinking of having a general election, and it was hinted that they were not quite as popular in the North-west as they had been, and it was supposed that the people of the North-west were in favour of this wild scheme of a railway to Hudson Bay ; and the government, therefore, proposed to spend the two and a half million dollars with a view of economically securing the votes of the people of the North-west.

Hon. Mr. ALMON—The hon. gentleman does not want the government to suspend those works in progress in Halifax, because we want them very much.

Hon. Mr. POWER—I forbear to make any observation on the interruption of my hon. colleague. I shall only say that I do not think logic is the hon. gentleman's forte, and shall let it go at that. I was rather surprised that the premier, who usually appears disposed to receive courteously the suggestions of the opposition, did not show the gratitude he might have done for the suggestion made by the hon. leader of the opposition, that he should reduce the duties upon certain staple articles with a view of increasing the revenue. The hon. leader of the government actually did not seem to understand the argument of the hon. gentleman from Ottawa. The tariff of the present government is avowedly a protective tariff. If a protective tariff is successful, it shuts out importations, it prevents importation. That is what it is intended for, to exclude foreign products ; and if it excludes foreign products, we get no revenue. If there are no products coming in to pay a duty, it

is perfectly clear we do not get any duty. If you reduce the protective tariff so that the goods can be imported, then there is a chance to get revenue; and anything clearer than that cannot be well imagined. If you have a revenue tariff, a tariff fixed at a pretty low figure, which does not shut out importations and is not protective, a slight increase in that tariff will give you an increased revenue, because our people have to get goods from the outside world.

His Excellency refers to his travels during the recess of Parliament; and as to that paragraph of the speech I wish simply to remark that His Excellency and his countess made a most favourable impression on the people of Nova Scotia wherever they went. I hope that this feeling is mutual. I hope that His Excellency and the Countess of Aberdeen have been favourably impressed by Nova Scotia and its people.

There is another important paragraph in the address, and when I have done with that I shall resume my seat—that is the paragraph with respect to the admission of Newfoundland. This paragraph says:

> We receive with a deep sense of their importance Your Excellency's statements that the Government of Newfoundland having intimated its desire to renew negotiations looking to the admission of that colony into the Dominion of Canada, a sub-committee of Your Excellency's advisers have recently met in conference a delegation from the Island Government and discussed with them the terms of union, and that it will be a subject of general congratulation if the negotiations now pending result in the incorporation of Her Majesty's oldest colonial possession into the Canadian Confederation.

It would be a benefit to the province from which I come if Newfoundland entered the union. It would probably be of some benefit also to other portions of the Dominion; but the action of Parliament on the question of the admission of that island should depend on the terms agreed upon. There is such a thing as buying even Newfoundland at too high a price. We should not purchase a quarrel. Canada should insist that the question of the French shore should be settled in a satisfactory way before Newfoundland comes into the union. We all know that England finds that question troublesome and England would be only too happy to get rid of the trouble and hand it over to Canada to be dealt with. We have trouble enough of our own of various kinds, and we should not consent to take Newfoundland in until this question has been finally settled in a satisfactory way. There is another important point with respect to the proposed admission of Newfoundland. Whatever terms are agreed upon between the present government of Newfoundland and the government and Parliament of Canada, should be submitted to the popular vote in Newfoundland. The present representatives of that island were not elected with reference to the question of union at all. That question was not in issue in any sense. The present representatives of the constituencies of Newfoundland have no mandate whatever to hand over their island to Canada, and Canada should not be a party to any such transaction as that would be. I never supposed that anything of the kind was probable; but I have noticed in the papers since the visit of the delegates to Ottawa, statements that it was not intended to take the sense of the voters of Newfoundland on this question. I hope Canada will not be a party to what all fair minded men must regard as a gross outrage on popular rights. If sound principle and a feeling of fair play to the voters of Newfoundland do not prevent the Parliament of Canada from agreeing to the union without a vote of the island electors being first taken on the question, surely the experience which Canada had of Nova Scotia in the early days of confederation should prevent us from having a second edition of Nova Scotia. We can afford to wait until Newfoundland is ready to come in, until her people are satisfied to come in. The day will come when the majority will be satisfied to come in, if they are not satisfied now, and we can wait. Some hon. gentleman spoke of Newfoundland as being the key of the confederation, and he seemed to think that was a very strong reason why we should grant almost any terms for her admission to the union; but while the key of confederation is in the hands of the mother country, I think we can rest easy.

With respect to the measures which are proposed to be introduced, there is only one to which I wish to refer, and that is an insolvency law. Hon. gentlemen know that a good deal of time was devoted last year to the consideration of a measure respecting insolvency, and that when that measure had reached its final form, there was still a good deal of difference of opinion amongst hon. members with respect to its merits. That measure was asked for chiefly by the boards of trade and the banks of Ontario and

Quebec. The representatives of those bodies stated before the committee of the House that if they had in the other provinces the same sort of legislation that exists in Ontario or Quebec, they would not ask for this insolvency law. Since the prorogation of Parliament last year the province of New Brunswick has passed an Act almost identical with that of Ontario. A similar measure was introduced in the legislature of Nova Scotia last session and was defeated more by chance than otherwise in the legislative council during the closing hours of the session. I have no doubt, but that the measure will be passed at the next session of the local legislature; and there does not seem to be any reason to devote our energies during the warm weather to going all over that matter again. There are other things that I might refer to but I think I have said enough already. I can only say, with respect to the closing paragraph of His Excellency's speech, that the Queen's representative may feel sure that the members of the opposition will bring to the deliberations of parliament at least as strong a love for their country, and just as earnest a desire to do that which is best for the country as the supporters of the administration.

Hon. Mr. MACDONALD (B. C.)—I do not intend to refer to all the paragraphs in the address, but I wish to say a few words on two or three of the subjets dealt with by His Excellency. Although it has been customary for the leader of the House and the leader of the opposition to monopolize the expression of their approval of the speeches delivered by the mover and the seconder of the address yet, on this occasion, I wish to depart from that custom, and express my admiration for the speech of the hon. gentlemen from Pictou, which was couched in the most perfect and appropriate language, and also the pleasure with which I listened to the speech of the hon. gentleman from Prince Edward Island. In addition to the eloquence which they displayed, there is another phase of their speeches to which I wish to call attention. The speech from the throne generally concludes with an invocation for divine guidance in the proceedings of Parliament, and very often that paragraph is passed over lightly by movers and seconders; but on this occasion both of these hon. gentlemen referred to that paragraph in the most reverential and solemn manner. In days such as we live in, it is gratifying to find some who have convictions and who have the courage of their convictions. I do not intend to follow every paragraph of the speech of His Excellency. On the trade question I will simply place one or two economical facts before the hon. the leader of the opposition who has made extraordinary statements on the subject. It is well known that food and products of all kinds have not been so cheap for the last forty years in Canada, the United States and England as during the last year. It is also known that there are more hungry, idle, unemployed people in these countries at present than there have been for years. What benefit is it to the farm labourer in England if foreign and colonial wheat, beef, cheese and butter are cheap if he cannot earn a day's wages? What benefit is it to the Manchester cotton spinner and weaver if imported American cottons are cheap if his own factory gives him work and wages for three days only out of six? What benefit is it to the iron workers of Sheffield, Newcastle, Birmingham, and Glasgow if foreign iron is cheap if they are working on half time? The hon. gentleman from Ottawa says: lower the duty and you will increase the revenue, but he failed to show how that could be done. England is held up by that gentleman and others as having the model financial and commercial system of the world. Does she lower her taxation when increased revenue is required? Just the contrary: she at once raises her income tax—and this very year it is higher than it has been, excepting when war was going one. Any one who tries to show that the policy pursued there could be adopted here, is very much at fault in his political economy. The conditions of the two countries are entirely different. England has a large accumulation of wealth, with abundance of cheap labour, cheap coal and iron, and large fleets of ships on every sea carrying her products hither and thither. This country is young, comparatively without capital, labour is dearer, coal and iron are dearer—there can be no comparison between the two countries. The hon. gentleman from Shell River in his efforts in behalf of free trade, has made a very strong case for the National Policy. He has shown that one hundred millions of dollars annually are paid out in wages by manufacturers. Is not that large sum, spent amongst the

labouring population of this country, a great boon to them? Were it not for the moderate protection afforded the industries of this country, that large sum now expended for wages would be paid in other countries manufacturing for our wants, and not paid in Canada. The hon. gentleman has also shown the enormous volume of annual production of commodities, over $400,000,000. Just think of the wealth and consuming power of this country to be able to absorb such an immense value in addition to our annual importation of about $120,000,000? Then, again, look at the large amount of wealth kept in the country by reason of this home production. One can readily understand why a decline may take place in our imports and revenue, when we have so large a quantity of home production to supply our wants. As a matter of course, the more we supply our home market with our own manufactures the less we require to import, and the less will be the revenue from importations. So that before very long other sources of revenue may have to be looked for.

With regard to the Manitoba school question, I am fully convinced that an injustice has been done the minority which should be and I hope will be rectified. A prescribed right exercised for twenty years has been ruthlessly taken away from the minority, an act not to the credit of the Grit government of Manitoba. My voice and my vote will go for justice to the minority.

I have to express on behalf of the people of British Columbia the great pleasure we had in the visit of the Governor General and Her Excellency the Countess of Aberdeen last winter. Everywhere they met with a most enthusiastic and loyal reception, and they endeared themselves to all with whom they came in contact. During the whole of their stay at Victoria they worked incessantly attending meetings of school children, charitable and other institutions, speaking kind, useful and encouraging words wherever they went. We earnestly hope Their Excellencies will repeat their visit. I now pass to a darker side of the picture. Few, if any public men have died in Canada whose loss has been so much felt and lamented as that of Sir John Thompson. Those who came in contact with him could not help being impressed with his fairness, his high sense of justice, and integrity. Modest in his demeanour, he was always courteous, civil, and kind. I often noticed, that although leader of the House of Commons, he very seldom spoke, and never sought to impress his own superiority; but when he did speak, his words carried with them quasi-judicial weight, which gained the respect and confidence of his political opponents, as well as of his own friends. The hon. gentleman from Ottawa has expressed his condolence in very considerate and appropriate language. Advancing from a humble position in life, by his indomitable perseverance to the high and honoured position he occupied in the councils of the country, and in the hearts of the people, the life, and progress of Sir John Thompson may well be emulated by the young men of this Dominion. Great and small, rich and poor, however, must die, and leave this sphere of action, and many would wish to end their days amidst surroundings of their own selection; but the highest ambition of the departed premier never anticipated such royal surroundings as he had—romantic and tragic in the highest degree, surrounded by the noble of the land. The heart of the British nation, and the sovereign head of that great nation were with him in that last hour. Our gracious Queen marked her esteem and tender sympathy by her attention to the dead premier's family, and by the honours paid to his mortal remains—all of which is a source of pride and satisfaction to this country, as well as to his family and relations. But we must not dwell too much on such sad events in public life. The world must move, the work of this country must go on, and in our sorrow we may congratulate ourselves that men can be found qualified to take the places of those who have gone. In Sir John Thompson's successor to the premiership, Sir Mackenzie Bowell, we have a man who will fill the office with assiduity, integrity and ability. I cordially join the mover and seconder, and this House, in giving him our hearty congratulations for the title conferred on him by our gracious Queen, and will add, as others have done, long may he live to enjoy his title, and long may he as premier continue to lead his party, and this House on to victory.

The remarks of my hon. colleague from Victoria about representation in the Cabinet are perfectly correct as far as the opinions of the people of British Columbia are concerned. They believe they have not been treated with the consideration and justice which their position commercially and

financially gave them the right to expect. Ever since British Columbia came into the union they have sent supporters of the Liberal-Conservative party to Ottawa. As this is manifestly a party and government of fairness, I feel sure that this matter has been an oversight, and that justice will speedily be done the province that I have the honour to represent.

Hon. Mr. KAULBACH—I generally like to follow my hon. friend from Halifax. His views and mine are so opposite to each other and his opinions are so heterodox, in my opinion, on public matters and policy, that I generally find a great deal to say when he gives me material for thought and speech, but on this occasion he has left me very little. I have listened to his comments upon the question before us and I am certainly with him on everything he said about the Manitoba school question. The action of the government is simply sustaining what many of us last session considered were the rights of Manitoba, of which they had been unjustly deprived, and therefore we should give them redress. That came up before us in a resolution by my hon. friend from St. Boniface, in which I took the same position as the government has now taken, and which the judicial committee of the Privy Council have determined are their rights; so I may at a future stage of my remarks comment more fully upon that, but for the present I may say I am fully in accord with my hon. friend. The government have done nothing more than they should have done, nothing more than they were justified in doing, nothing more than they were compelled to do under the decision of the Privy Council. No man doubts or denies that the Manitoba Act of 1890 deprived the Roman Catholics of their constitutional rights, and the order of the Governor in Council, following the decision of the Judicial Committee, directs restoration of those rights, and we here have heard the declaration which our premier plainly expressed, that if the Manitoba Government does not provide remedial legislation, the Dominion Government will do so. The remedial order was passed exactly after and in accordance with the decision of the Privy Council, that the separate school system of 1870 should be restored and that Roman Catholics should not be obliged to contribute to any other schools. My hon. friend from Halifax dealt with the trade question and commenced by questioning the policy of the government with regard to the French treaty. That question was before us last session and fully discussed and the merits and demerits of it laid before us by my hon. friend, as well as by the persons who supported the government on that treaty motion; therefore, I have little to say upon it. My hon. friend says it is free trade. Well, that is part of our policy in regard to extending our trade with other countries. It is simply more reciprocity, and, instead of being an injury to us, we consider it a great benefit to us in many of our fisheries, the lobster fishery particularly, and the lumber trade, two important industries in this country. There are the cheese industry and others, and I believe if that treaty is completed and acted upon it must redound to the benefit of Canada. And the Governor General's speech informs us that satisfactory assurance has been received from Her Majesty's Government respecting the interpretation of certain clauses in the treaty, which requires legislation. Then my hon. friend talked about Australia, the money expended on a steamship subsidy, and the small exports sent out of this country, and he says that all that we could expect of it was to bring the products of Australia into competition with the products of Canada. I do not view the matter in that light. I believe that the duty of 30 per cent upon mutton and such products amply protects us against any importation of meat products from Australia. But my hon. friend might like to have the addition of the American market, which he always did enjoy—that is, the Oregon and Washington territories. The meat generally came from there, and I think that if we can by any legislation open a trade for our fellow colonies and bring the meat into British Columbia it would be far preferable to having a treaty with a foreign country. And that was one of the great troubles with British Columbia. They could not get the meats; and we had to go across the border.

Hon. Mr. McINNES (B.C.)—Since they began to import meat from Australia it has completely destroyed the importation of cattle from the North-west Territories into British Columbia.

Hon. Mr. KAULBACH—I did not know that many went across there, and I know

the complaint was that they could not get their meats from the North-west Territories, they had to import from Oregon, and there was a large amount of revenue raised by importing them from Oregon territory.

Hon. Mr. McINNES (B.C.)—My hon. friend on my left has been a large exporter of butter for years, and when the Australian butter came in he had to abandon it.

Hon. Sir MACKENZIE BOWELL—According to my hon. friend's views we should increase the duty to meet that case. If my hon. friend will refer to the Trade and Navigation Returns, he will find that the meat which went to Australia the year before last was over half a million from Washington Territory alone, and the reason was the duty on the live meat was only 20 per cent ad valorem, while the duty was 3 cents a pound on the dead meat. This is really an admirable illustration of the theories and doctrines of the hon. gentleman. Thirty per cent is not enough to protect the people of British Columbia, and if it is not enough, I should be glad, as a high protectionist, to double it.

Hon. Mr. McINNES (B.C.)—I was merely correcting the statements that the hon. gentleman from Lunenburg was making, but since the hon. gentleman has mentioned it, I will inform him that it was owing solely to the scheduling of American cattle which came in there that the importation of American cattle into the Pacific province has dropped off. Before that they were allowed to go in there as freely as from one province to another, but some years ago, I believe, at the instigation of the stock raisers in British Columbia and the North-west Territories, they were placed on the same schedule as here, and were required to remain three weeks in quarantine, and we cannot import any live stock.

Hon. Sir MACKENZIE BOWELL—That is from the United States and not from the North-west. Cattle have not been admitted into this country free for a great many years.

Hon. Mr. McINNES (B.C.)—I do not mean free, but they have to remain in quarantine three weeks.

Hon. Mr. ANGERS—Ninety days.

Hon. Mr. McINNES (B.C.)—That is three months.

Hon. Mr. ANGERS—And that regulation is only laid aside for the purpose of providing beef for British Columbia merely in case of an emergency.

Hon. Mr. KAULBACH—I do not think my hon. friend has found after all that any statement of mine is incorrect. I must thank the hon. leader of the House for so clearly stating facts which are within his own knowledge, but which at the moment I could not be expected to be prepared to present to this House. He has clearly illustrated the advantages which are gained by this trade being diverted from Washington and Oregon to Australia, but that is only one side of the question. We expect to enlarge our trade with Australia in the near future. Many of our manufacturing establishments have taken hold there already and have agents there, and the reports coming from those colonies as to the expansion of the trade are of the most encouraging character. Many of our manufacturing industries, which are despised so much by my hon. friend and which the policy of his party is so inimical to, are finding a market for their surplus products in the Australian colonies and that market is certain to be largely increased. If my hon. friend had any desire to promote the progress of this country, if he wished to see it expanding its border and its trade, he would not have made the objection to which we have listened in regard to the advantages to be derived from the extension of our trade with Australia, from which British Columbia does now obtain direct, not only mutton, but all the products of a tropical climate. Now, as regards the statements made by my hon. friend on the subject of the election in Antigonish, I am not going into that matter. It is enough for me to know that one of my hon. friends here was present in the constituency, one of the Ministers who sits opposite to me, and he knows very well what influences were brought to bear. The Senator from Halifax, (Hon. Mr. Power) is drawing largely upon his imagination with regard to the influences at work in that constituency. It is one which we ourselves scarcely expected to gain, for it has always been a stronghold of the Liberal party. It was only the wonderful magnetism, the wonderful power and personal influence that Sir

John Thompson possessed, which ever enabled us to win an election there. It has simply gone back again to its normal condition and I do not therefore consider it as a loss to the government. My hon. friend however claims that that is a great victory. The amount of bombast indulged in by our Grit friends over this one election only serves to remind the public how rarely they have a chance for such rejoicing. It is only one case out of many. Since this Parliament came into existence look at the number of constituencies we have won. I think 54 by-elections have been won by the government as compared with 15 which have been gained by the opposition, and the government has a vote of 28 more than it had at the commencement of this Parliament. I might refer to the state of affairs which existed, in contradistinction to this, when the Liberal party was in power. During the little time that they lived, death stared them in the face. They were paralysed from the beginning of their term of office. They spring into power upon a policy which the country could not sustain, and if I mistake not they lost 24 seats during the four or five years that they were in power, only gaining two during that time. Their influence was waning from the first, and no one seemed to have sense enough to prescribe the proper medicine which the country required to invigorate it and bring it back to a condition of prosperity. They would not take the advice of the members of the opposition who told them plainly enough that their policy was working destruction to the country, that they must endeavour by some means to protect themselves against the inroads of foreign countries, but they were so stubborn in their policy that it was impossible to do anything with them. They talked about being "flies on the wheel," and claimed that no fiscal policy could restore us to a state of prosperity. Year after year went by, leaving them in a worse condition—they were running into debt and finally they were forced to make an effort to remedy the state of affairs by increasing the taxation. They did not attempt to protect any particular industry, but they raised the duty all around ruthlessly, recklessly without regard to any particular industry. They clapped on an additional duty of 2½ per cent, and the result was simply to give them a larger deficit, and finally they went out of power in a most inglorious manner after having heaped up an additional debt of $40,000,000. That was the character of their government, and I may add that that was the end of them. They left the country in an almost deplorable condition. The only institutions which prospered under their rule were the notable soup-kitchens for the relief of the poor. It was at that time that the exodus from the country commenced; it was then that the flood gates were opened. My hon. friend says now that the people have gone from Antigonish to the United States as a result of the National Policy. It is impossible that the population could have been decimated in that way, but the fact is that the people commenced going to the United States before the National Policy was introduced, and when they had settled there they drew their friends and relatives to them, and it has taken and will take a long time to counteract the disastrous effects of Liberal rule. The Mackenzie government said it could do nothing to protect Canadian industries or alleviate the existing distress, but it ruthlessly, without regard to consequences, other than to raise money to support a moribund semi-defunct government, added to the then burden and distress of the people by an additional tax of 2½ per cent, and with all that additional money forced from the people, deficits continued to increase. When they were hurled from power they left nothing but a depressed country and crippled industries, with a legacy of $40,000,000 of debt, for which their successors, our Liberal-Conservative Government, had to provide and Canada was to pay. But what do we find now? Under the National Policy the people are leaving the United States, are flocking back into Canada, both to the province of Quebec and to the Northwest, taking up our land and seeking a livelihood in other ways. I therefore claim that it is not the National Policy which is responsible for any exodus. I thank God that we have the National Policy. If it had not been for that where would we have been to-day when we look around us and see the world-wide depression which exists everywhere? My hon. friend from Halifax quotes a remark in the speech from the throne about the depression in Canada, but he did not read the remainder of the sentence which says: that the depression has made itself felt in Canada, "but fortunately to a less

degree than in most other countries." If it were not for the fiscal policy which we have adopted in this country we might expect the same results which exist everywhere else. Our production is as great as ever, our accumulation of wealth is as great as ever. The trouble is to be found in the foreign markets ; they cannot buy our products, and the cause of the failure of our trade is to be found in the inability of our foreign customers to purchase as formerly. We cannot regulate the prices which prevail in outside markets. They are resting under a depression, and they cannot buy as much of our goods. The same cause operates to produce a depreciation in the value of the goods. It is, therefore, not the policy of the government which is at fault. I claim that our industries are just as vigorous and as strong as ever they were. We produce as much as we ever did, but it is simply because we could not find a market except at depreciated prices. No wonder there is a deficit. We have exchanged our specific duties for ad valorem duties, and in this way we have reduced the volume of our taxation about $5,000,000 owing to the falling off in the values of the commodities coming in. Is it a wonderful thing that we should find a deficit corresponding very closely to the reduction in our tariff?

Then my hon. friend from Halifax spoke of the economy practised by his government when it was in power, and contrasted it with the expenditure of the present administration. He claimed that the Liberals only spent $24,000,000 a year, while we spent $37,000,000. My hon. friend is not here, but I should like to ask him to what particular expenditure he objects. Is it that relating to the extension of railways, to the extension of the postal system, or to the internal development of the country that we find going on everywhere? Can he point to a single item of our expenditure and say that it is not in the interests of the country? I wish to note here that year after year, with a few exceptions, we have had a large surplus out of which we have contributed largely to the consolidated revenue fund—some $15,000,000, I believe, and now that a state of things has come about for which we are not responsible, we should not feel alarmed because there is going to be a small deficit. I believe our deficit is about 2½ per cent. England's, I believe, is about 10 per cent, and that of the United States is about 11 per cent—I believe, about $50,000,000. It is all owing, in their case, to tinkering with the tariff, and the uncertainty which surrounds commercial legislation in that country. I hope the government, under present circumstances, will not undertake any revision of the tariff, for I believe the uncertainty which arose last year and the year before did mischief, and had a tendency to prevent the revenue reaching as large an amount as it otherwise would have done. People sometimes magnify the dangers which attend a change in the rate of duty, and imagine that the effect upon their particular branch of industry will be greater than is really the case, and they delay the making of contracts until such time as the fiscal policy shall have been determined for the year. I therefore think that if the government would announce that they have no intention of touching the tariff this session, it would have a beneficial effect. The present depression I believe is not a permanent one, and in my opinion the revenue will shortly be as large as heretofore. I really think the government would be justified in doing at this juncture what Sir Richard Cartwright did when he was Minister of Finance, that is to say, take a little off the surplus which we have accumulated in past years—borrow a little of it, so to speak, to tide us over present conditions. That, at all events, would be very much better than interfering with the tariff. It is a matter of history that Sir Richard Cartwright took the money out of the consolidated fund—which, by the way, he did not increase—and used it to meet the public debt of Canada.

My hon. friend spoke of the admission of Newfoundland into the union. I am in favour of Newfoundland joining the confederation, because I belive it will be to the mutual advantage of the island and of the Dominion. I know it will be of incalculable value to this country, apart altogether from the terms that may have been demanded and conceded. If the people of Newfoundland have time given them to impartially consider the subject, they must see that their interests are bound up with ours in every way, and they should take advantage of this favourable occasion to come into the union. We should not take advantage of their embarrassed position to impose hard terms upon them, but should be ready to give them even more than we might consider their right. We should be magnanimous in dealing with

Newfoundland, and it will be to our advantage to use every effort to bring the island into the union now. With Newfoundland a member of the confederation, we should have no more trouble with Bond-Blaine treaties. If we do not treat Newfoundland generously now, the island government will be quite justified in saying "what right have you to interfere with the treaties that we are endeavouring to make for the promotion of our own prosperity?" It will be of great advantage to our fishermen, and the farmers of the maritime provinces especially, to have Newfoundland added to the confederation. It will give us sea-coast fisheries of enormous value, and many other advantages to which I need not at present allude.

I agree with the hon. gentleman from Halifax in what he says in regard to the Insolvency Act. I was not very favourable to the measure last year. The province of New Brunswick has provided all that is necessary with the winding up of insolvent estates, and Nova Scotia will probably soon do the same. Even in mercantile communities there is a difference of opinion as to whether a bankruptcy law would be advantageous to Canada or not, and if the measure can be held over until after the next election it can then be dealt with by men coming fresh from the people. At the present time when depression exists everywhere about us and in Europe and the United States, it would be unwise to place such a law on our statute-books, apart altogether from the effect of bringing up such an important measure at a late season of the year, when it would inevitably involve a protracted debate and a long session. I know how diverse were the views of the members of this chamber on the subject of an Insolvent Act last session, and how close the votes were on some clauses of vital importance to the principle of the bill. On the whole, it is better to let the matter stand for another year. I listened with very great pleasure to the speeches of the mover and the seconder of the address. The speech of the hon. member from Pictou was characterized by fine diction and lofty sentiments, expressed in language which I, at least, could not attempt, and we have good reason to congratulate ourselves that we have in this chamber men who possess the ability and the grasp of the subjects of the day shown by these hon. gentlemen in their addresses. My hon. friend from Ottawa complained of the late period at which Parliament was summoned. It is undoubtedly a late meeting, but we know something of the difficulties which the premier had to encounter when he took office. I am sure he has not found the position a bed of roses. He has had to deal with questions of the greatest importance. He was called upon suddenly and unexpectedly to form a government when we lost our great leader, whose memory I always revere, whom I have always loved and known since he was a boy. I watched the career of the late Sir John Thompson from the time he entered public life up to the day of his death. He seemed to rise step by step, less by his own volition than by the force of public opinion. He was exceedingly modest and entirely free from arrogance. He discharged his duties with honesty of purpose and perfect sincerity. Those are the lessons which he has taught us. With all his ability he had the heart of a child. While he served his country faithfully and zealously, he did not forget to serve his God. His convictions were strong, and the sincerity of his character was shown in every act of his life. In forming his religious convictions he must have made great sacrifices, not only of his personal ambition, but also of pecuniary advantage. I knew him as a young man when he studied law, and I have followed his career in all its phases, and throughout all admired him to the end. When we met I am sure it was a pleasure both of to us to enjoy each other's conversation. Considering the great ability and experience of Sir John Thompson, his successor must have felt somewhat diffident in undertaking to form a government, and he could only have acted from a sense of duty. The present leader of the government, like his predecessor, has risen by his own ability, integrity, indomitable perseverance and sense of right and duty, and I felt satisfied when he assumed the responsibility of forming a cabinet that he would be a success, because his followers know him to be a man on whom they can rely, a man of irreproachable character who would never do anything for which they would have to apologize. When my hon. friend became the leader of the government, he had great difficulties to face. Necessarily it took some time to form the government and to realize the position in which they were placed. Then came the Manitoba school question, in dealing with which, while they took prompt and vigorous action, a good deal of

time was consumed. Then came the Newfoundland delegates to discuss terms of union. I am not surprised that the meeting of Parliament has been delayed beyond the usual time; I am only surprised that the governnent are so well prepared in so short a time to meet the representatives of the people. Now, with regard to the Manitoba school bill, my hon. friend from Ottawa said that the government should have taken a different step, that they ought, in the first instance, to have decided and done what they considered right to the Roman Catholic minority of Manitoba. I do not know that there is any man more inclined to stand up for provincial rights than the leader of the opposition. He has always taken that position and had the government taken any other position than they did under Sir John Thompson, leaving the rights of the Catholic minority to be determined by the courts in accordance with the resolution passed in the Commons when this question first appeared to be looming in the horizon in 1890, they would have merited censure. Had the government attempted to interfere in the matter, or had they even given advice, they would have acted unwisely and imprudently and would have had the censure of the country upon them; but they took the proper steps and took them in time. The courts of Manitoba decided that the local government acted within their rights, and we find the Supreme Court divided on the question. The majority I think determined that the legislation was ultra vires. The case went to England, and was sent back again for the purpose of being extended. It was rather too narrow in the first instance, and it was then determined that the rights which they had acquired since confederation had been taken from them and that the government here should see that they got redress. I think the government had no right to deal with the question until such time as the courts had finally and fully determined upon the matter. Might not the Roman Catholic schools have suffered under the provincial rights cry, had the government taken action before the legal and constitutional rights of the Catholics had been fully, finally and completely determined by the highest court of the Empire? The Premier has said, that if Manitoba fails to do her duty in this matter, the Dominion Government will not shrink from their duties. They are prepared to do what is right under the constitution. Now, my hon. friend from Marquette seemed to think that the action of the government should be confined, if anything was done, to some portion of the territory which was called the Selkirk settlement. Well, supposing a township or town, as a corporation, should extend its boundaries, do you think that the added territory would not come within all the privileges and immunities which the others had before them? By the Act of 1884, they were guaranteed all the rights that belonged to them. My hon. friend says that many of these Manitoba schools have come in under the national school system of the country. Will my hon. friend say that they came in of their own choice? Certainly not. He would not attempt to say so, because we know that the Roman Catholic Church calls for the education of their conscience. Religious training is an element in their schools. They consider that children are not properly fitted for the duties of this world, or of another, unless religious education is combined with secular instruction, and if any part of the Roman Catholic population of Manitoba has gone in under the national school system, it must be because they had no alternative. It was because they had to do it, by compulsion and, having done so, it is no argument for my hon. friend to say that so many have gone in that the rest are a small minority. Why, what is this parliament here for but to give protection to minorities? The very formation of the Senate is to protect the minorities of the different provinces.

Hon. Mr. BOULTON—To protect the minor provinces.

Hon. Mr. KAULBACH—Yes, and every part thereof, and the minority thereof, in all their constitutional rights and privileges. Even before we confederated, when the question first came up in 1863, it was at the instance of the Protestant minority of Quebec that this legislation was first adopted, to protect the Protestant minority of Quebec. The minority, I believe, in Ontario at the time had their rights recognized and it was for the protection of the minority chiefly in Quebec that this clause in the Confederation Act was introduced, because if you refer to Galt, to Letellier, to McGee, and other men in the Parliament of old Canada in 1863—I read

the report last session—I cannot remember it exactly, but these men all spoke upon this question, and protection for the minority was incorporated in the constitution of the country. Now, as regards Manitoba, the matter was dealt with in a similar way, and I contend that the minority of Manitoba have their rights under the constitution as safely given and guaranteed to them and they cannot be deprived of them. We have no right to take their rights from them if we would. They are as clearly entitled to their rights as the premier or the Attorney General is to represent the country. Their rights are under that Confederation Act, and I say that under that Confederation Act the Roman Catholics have that inalienable right, and because their numbers are diminished they should not and cannot be deprived of their rights. If the numbers had been increased, we should not have found Manitoba acting in this tyrannical way. It was only because the majority and the government deemed the Roman Catholics an insignificant body in the country that they took upon themselves to ignore them. I say their rights cannot be ignored, and that they will not be ignored, and if any province of the Dominion attempts to ignore the rights of the minority or the just rights of any body, the tendency is to make the demands of that body more vigorous, and in the end their rights must be acknowledged. But we know well how the Liberal government of that time obtained office. They rode into power upon false pledges. When it was considered that the rights of the Roman Catholics were in danger, they declared to them upon the hustings that their rights were inalienable; that they had them under the constitution; that they were inalienable rights under the constitution, and could not be taken from them. By their conduct and their false promises they lured the people from taking the stand that they would otherwise have taken. Even the Archbishop was approached and made to believe that the rights of his body would not be infringed upon and that he should not use his influence in the election to protect their schools, which were not in danger. By means of these false promises the Ministry came into power, and you see how they used their power. They used it in a way that cannot be commended. Because of their mismanagement and maladministration they became unpopular and then, in order to sustain themselves in power, they took advantage of the prejudices of the majority of the people and by such means they were enabled to continue in power. I cannot see in what way my hon. friend could sustain or attempt to sustain the position he took with regard to the insignificance of the minority in that province, or say that the Roman Catholics would ever consent to a diminution of their privileges unless they were compelled to do so by some stronger influence which could be brought to bear upon them. It is contrary to their conscientious convictions to adopt the general schools of the country and contrary to the dictates of their church. Even our own church of England is in favour of church schools. We believe that to train a man and bring him up properly he should be educated in religious observances and should have a proper religious faith—that he cannot well fulfil his duties and prepare himself for his end unless with his secular education is blended a religious training.

My hon. friend the leader of the opposition spoke of the National Policy having been a failure and he told us that the manufactures of Canada were a fungous growth; in fact he would have us go back to a half civilized state. In his opinion manufactures are not indigenous to the soil or country and are being kept up artificially, and he thinks that we ought to do without them, that we should confine ourselves to the farm, the fisheries, the forest, and the dairy. I do not believe in any such policy as that. I do not know that my hon. friend would make a success of milking cows, and I would not be of much account on a raft, nor would he. I believe our industries should be developed, because the manufacturing industries are a great benefit to the home market. The best market for our Canadian farmers is the manufacturing and labouring classes in the country. Nine-tenths of the farm products of the country are consumed by the artisans and labourers of the country, and the hon. gentleman would deprive them of that, and do as they did under the Mackenzie government, when many million dollars worth of United States products were admitted free of duty and brought into direct competition with our own farm products in our own country, while our exports were met at the boundary of the United States by a high tariff. That was the position of affairs under the Mackenzie administration. All

United States surplus products were brought into the country comparatively free of duty. Now, I find that the total trade of Canada in 1893 was $247,638,620, which was about $6,000,000 larger than it has been at any other period. As I said before, that surplus over and above last year does not indicate that our country is retrograding in the slightest. On the contrary, considering the reduction is only in values, not in volume, because the quantity was larger, it indicates that it is prospering, and I also find that the export of agricultural products in 1893 was over $22,000,000, whilst in last year it was only $17,677,000 which shrinkage is entirely owing to the depression in foreign countries which have not the means of purchasing as largely as they did, and pay the prices which prevailed in 1893. The decline is simply in value, not in quantity, and our showing is comparatively greater than what can be made by the United States. The falling off in this instance is simply in the foreign markets. The depression in other countries prevents them from buying. Take the fish industry for example. Our fishery products are as large as ever, but what about the prices? They have fallen off one-half and in consequence of the market being so low they have realized nothing and our fishermen are practically worth less than when they started on their perilous voyages in the spring. It is simply the consequence of the people not being able to purchase our products. Had there been no protection what would have been the result? We would not have had the control of our own markets but we would have had all the old productions of other countries, and especially United States products to contend with. Instead of that we control our own market, which is the best market for the farmers of the country. It is a protection which we give them and the more we extend our manufacturing industries the greater will be the market for the farmers. My hon. friend the leader of the opposition argues that the best way to get rid of deficits was to reduce the tariff one-half. I thought it was rather paradoxical to claim that by reducing the tariff you get a larger revenue. With all the economy they can display, and every advantage taken, our people can just simply exist. They are making no money. The tariff was lowered here a year ago just as low as it possibly could be to keep the home market for our own industries, and if you were to take off one half, the result would be just what my hon. friend desires, it would destroy every manufacturer in the country, and we would have to rely upon the products of our farmers and lumbermen to sustain the country. He then spoke about the fisherman being taxed. I do not know whether fishermen are taxed more than others, but if my hon. friend's free trade policy came in they would have no protection. Certainly the bounty system is the highest protection. If you come under a free trade tariff, free trade as in England, why the first thing that would have to go would be the bounties to the fishermen. They are protected and in many things free from duty. Then with regard to the woollen industry it has been considered for the benefit of the fishermen whilst my hon. friend knows that woollen goods are cheaper here to-day than in the United States. They can undersell us in cottons but not in woollens. In the United States they get from us our woollen goods because we can make the woollen goods, which the fishermen use, much cheaper in Canada than in any other country, less the duty. Now what about this free trade matter? We had the tariff before us last year for revision. The Finance Minister well knows how many men approached him from Grit constituencies asking for protection in their particular industries? I know that in Yarmouth, there is an industry employing a large number of hands. The government was importuned to increase the protection to that industry. Then we know how anxious many were to have the tariff on petroleum reduced, and that could not be done because of the petroleum interest in western Ontario in a grit constituency. If you go all over Canada you will find wherever there is an industry in the country the Grits there want it protected. A few months ago these Grits feared that there would be a general election, and wherever the leader of the opposition and his colleagues went they suited what they had to say to the wishes of the people of that province. Down in Nova Scotia they said nothing against the iron or the coal industry, but when in the west all those industries had to be destroyed. Down with us! It was the milling industry which was to come down, and we were to have cheap flour. Along the international line they should have reciprocity and down in Montreal they said they would not injure the manufacturing industries of the country at all. In every place they went they had an ar-

gument and policy to suit the locality. I am pointing this out to show they were not honest; they had no policy. They advocated reciprocity in one place, commercial union with the United States in another, and now they demand what they call free trade as it is understood in England. The position resembles that of two farmers, owning adjoining farms. We are asked to take down our fences and allow our neighbour's cattle to come in and eat up our pasture while we cannot send our cattle into their pasture. The opposition claim in effect that our industries must be destroyed and paralyzed whilst our neighbours keep up their high protection.

At six o'clock the debate was adjourned.

The Senate adjourned at six o'clock.

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## THE SENATE.

*Ottawa, Thursday, April 25th, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE BRITISH COLUMBIA PENITENTIARY.

INQUIRY.

Hon. Mr. McINNES (B.C.) rose to ask the government:

1st. If James Fitzsimmons was dismissed from the Deputy Wardenship of the British Columbia Penitentiary? If so, what was the date of his dismissal?

2nd. Has James Fitzsimmons been reappointed Deputy Warden of the British Columbia Penitentiary? If so, what was the date of his reappointment?

He said: It was my intention to follow up this by asking for a return of the instructions issued to the Royal Commission that sat last year to investigate the charges of irregularity and wrong doing on the part of the warden and deputy warden and other officers of the British Columbia Penitentiary, also for a copy of the evidence that was taken before that commission and the report to the government of the Hon. Judge Drake, the commissioner, on the evidence taken, but since placing this notice on the order paper I see that the hon. gentleman who represents New Westminster District in the House of Commons, Mr. Corbould, has called for the very documents that I want. If they are brought down in the other House within a reasonable time I shall of course be saved the trouble of asking for them here, but I hope they will be brought down within a reasonable time and, when submitted, that they will be printed and not merely a type-written copy placed on the table. I want a copy of them to be put in the hands of every member of both Houses for the very good reason that it is an important question indeed, not only to the people of British Columbia but a question involving a principle which is of interest to the whole Dominion. It has given rise to a great deal of dissatisfaction in British Columbia, and if there is justification for that dissatisfaction, I think it is only right and proper that we should have the whole case before us, so that hon. gentlemen can weigh the evidence and judge for themselves.

Hon. Sir MACKENZIE BOWELL—Before answering this question, I desire to point out the very great inconvenience that must always arise from asking questions of this character and making speeches or drawing deductions from the answers which may be given, for the reason that the House is not in possession of the facts and consequently is not in a position to judge of the merits of the case properly. I am very glad that my hon. friend did not pursue the course that is very often followed, in discussing a subject merely upon a question placed on the notice paper. I do not criticise the correctness or incorrectness of the rule which prevails here. I know that it does exist in the House of Lords in England to some extent, and to a less extent in the House of Commons. I have sat in the gallery of that House and heard these questions put and discussed for hours. The Speaker, however, always keeps the discussion within the limits of the question asked, and does not allow the debate to drift into other questions. I do not think, however, it is a good plan; I like the course pursued in our own country best—simple questions and simple answers without any affirmation whatever of the correctness or incorrectness of the question

asked. However, this is not the time to discuss that point—I merely call attention to what I think is a very objectionable course pursued frequently in the Senate. In answer to my hon. friend I am furnished with the following reply:—1. An investigation into the administration of affairs of the British Columbia Penitentiary was authorized by a Minute of His Excellency in Council on the 22nd May, 1894, and Mr. Justice Drake was thereupon authorized by commission to conduct such investigation. Mr. Fitzsimmons being concerned in some of the charges which led to the investigation, was, by direction of the late Minister of Justice, relieved of his duties pending the investigation. Afterwards, upon consideration of the evidence and the report of Mr. Justice Drake, Mr. Fitzsimmons was, by a Minute of His Excellency in Council of the 24th October last, retired from office without prejudice to consideration for re-employment in the penitentiary service. 2. Upon a further consideration of the evidence and report and the supplementary statements and explanations of Mr. Fitzsimmons, he was reinstated in his former office by Order in Council of the 25th March, 1895. I have no doubt that the papers to which the hon. gentleman has referred will be brought down and laid on the table of the House of Commons at a very early date. Whether they will be in type writing or in the hand writing of one of the clerks of the department, I cannot say. As the hon. gentleman knows, these papers when laid before the House of Commons are referred to the Printing Committee and the Printing Committee will decide whether they shall be printed or not.

The motion was agreed to.

## THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day having been called—

Resuming the further ajourned debate on the consideration of His Excellency the Governor General's Speech, on the opening of the Fifth Session of the Seventh Parliament.

Hon. Mr. KAULBACH said: I must thank you for the indulgence you afforded me yesterday, when my voice and my health did not fairly justify me in addressing the House on this important matter. I regret also that I had not the proper papers before me by some mistake and was not able to follow the line of argument in consecutive order which I intended doing, and that, largely, what I did say came simply from memory. I also regret that I was led into this discussion on the National Policy. The House has had so much discussion on the National Policy year after year for the last fifteen or eighteen years, that really very little remains to be said upon the subject, and I regret that I did not confine myself, as some hon. gentlemen do, simply to a short commentary upon the various clauses of the address. But I was forced into the line I took chiefly by the leader of the opposition in this House, who started with the assertion that the National Policy was a dead failure, and based that assertion upon the lowering of the exports, upon the deficits and debt of the country. Now I consider that was rather a fallacious argument, and, therefore, I think proper to enter upon the subject. My hon. friend must be aware that that National Policy, adopted some fifteen years ago, has met with the approval of Canada in four or five general elections; it has been endorsed at every election, and the government of this country stands by that policy. That is their policy. It is the will of the people expressed through their electorate and though we may readjust it to meet the varying conditions of trade at home and abroad, it is the government's duty not to change it—the policy is clear. It is the raising of a revenue sufficient only to meet the exigencies of the country, to place it so that there will be raised no more than necessary for the ordinary needs of the government, and place it so that it will work in favour of protection to the industries of the country. My hon. friend talked about the failure of the National Policy, but I am at a loss to know how he can justify his remarks. When we look at the present condition of things, when we see now that our labouring classes are more largely employed, that wages are higher, and the necessaries of life but one-half of what they cost under the Liberal government from 1873 to 1878, I fail to see how he considers that policy a failure. Their policy was simply to raise revenue regardless of consequences, regardless of how it might affect the industries of the country. My hon. friend must remember that in 1876, a committee was appointed to inquire into the depressed and paralyzed condition of

the industries of the country. On that committee sat as chairman the Minister of the Interior. Evidence was produced which showed clearly and unmistakably that the policy of the government was unsound, that the policy of the government was paralyzing the industries of the country. That even the products of our farmers were met by the products of the United States coming in and competing with them in our own market. It was called the jug-handled policy of the government. What did the government do? Did they do anything in the interests of the country? No, in order to raise the revenue, they went over the whole tariff and raised it indiscriminately 2½ per cent. The report of that committee showed a sad condition of things. The majority of that committee were supporters of the Liberal government and, after having carefully collected the evidence, they reported that in the year 1875 there were 1,391 failures. Fancy 1,391 failures in Canada, with losses aggregating $26,933,000. That was the condition of Canada under my hon. friend who now leads the opposition in this House, and my hon. friend it seems to me had a great deal of assurance, after the verdict of the country in condemning the policy of his party, and after seventeen years of our policy has proved, as I believe it has proved, that every branch of industry has been strengthened and developed, in coming here and making an assertion of that kind about the National Policy being a failure simply because last year there was a deficit and the national debt was the same and not increased. Now, I showed yesterday, although I had not the statistics before me, that our trade and commerce had not decreased; that the chief thing to depend upon was the exports of the country, our power to produce and to sell, and I showed them that we had never before arrived at so high a degree of prosperity. We had the largest exportation in 1893 that Canada ever had: such a large amount of the products of industry to export was marvellous, and it was last year that I showed that the products of the country equalled if they did not exceed what they had been in previous years. But simply in consequence of the paralyzed condition of trade in other countries our products did not bring the value they should have brought. It is not that the industries of the country have failed, nor that the government have failed, nor that their policy was wrong, but simply because the depression in trade and business in every country to which we exported was so great that the values fell, and consequently the value of our exports fell. I have here a statement covering the periods from 1888 to 1894, inclusive, which shows, year by year, the increase in the productive industry of the country and the total foreign trade of the country during that period. It is as follows:—Value of the total foreign trade of Canada for the years 1888 to 1894:

| | |
|---|---|
| 1888 | $ 201,097,630 |
| 1889 | 204,414,098 |
| 1890 | 218,607,390 |
| 1891 | 218,384,932 |
| 1892 | 241,369,443 |
| 1893 | 247,638,620 |
| 1894 | 240,999,889 |

The decline last year is not in quantity but in prices. No such satisfactory showing can be made by Great Britain or the United States: in those countries it was not only in values but in volume.

Now let us take the exports for the same years:—

| | |
|---|---|
| 1888 | $ 90,203,000 |
| 1889 | 89,189,167 |
| 1890 | 96,749,149 |
| 1891 | 98,417,296 |
| 1892 | 113,963,375 |
| 1893 | 118,593,352 |
| 1894 | 117.524,949 |

This also shows that our exports are yearly increasing in quantity and value. Reckoning the lowest price of wheat and other products last year.

| | | | | | |
|---|---|---|---|---|---|
| 1888 | Imports | $102,847,100, | Duties | $22,209,641 |
| 1889 | " | 109,673,447 | " | 23,784,523 |
| 1890 | " | 112,765,584 | " | 24,014,908 |
| 1891 | " | 113,345,124 | " | 23,481,096 |
| 1892 | " | 116,978,943 | " | 20,550,581 |
| 1893 | " | 121,795,030 | " | 21,161,710 |
| 1894 | " | 113,093,983 | " | 19,375,822 |

The following table also shows the total value of exports from Nova Scotia in the year previous to Grit government rule, during the years under Grit free trade, and during the past five years:

| | |
|---|---|
| 1874 | $ 7,656,547 |
| 1875 | 6,679,130 |
| 1876 | 7,164,558 |
| 1877 | 7,812,041 |
| 1878 | $ 7,500,783 |
| 1879 | 7,364,324 |
| 1890 | 9,468,409 |
| 1891 | 9,925,646 |
| 1892 | 10,982,509 |
| 1893 | 10,634,863 |
| 1894 | 10,713,440 |

Which is conclusive evidence of the extraordinary productive prosperity of Nova Scotia, despite depreciated values of our exports in foreign markets, the West Indian market for fish having dropped far below paying prices. If the tariff had not been reduced and values had remained as in 1893, we would have had a surplus last year of over $3,000,000, instead of a deficit of over $1,000,000, and it could be also clearly shown that customs duties per capita were no greater last year than they were during the time the Grit government was in power, in 1878.

Talking of the public debt of Canada, which is not materially increasing, four items alone of government expenditure amount to more than the debt by about $12,000,000—

| | |
|---|---|
| Provincial debts assumed.. | $110,000,000 |
| Canadian Pacific Railway.. | 63,000,000 |
| Intercolonial and branches.. | 45,000,000 |
| Canals ..... | 39,000,000 |
| | $257,000,000 |
| Deduct net debt about | 245,000,000 |
| | $12,000,000 |

Besides providing annually for the interest and daily expenditures of the government service. Then, as regards the public debt, it has not increased to any appreciable extent; and what is our public debt composed of? The figures I have given show it. It is composed of four particular items and the expenditures on three services were really the whole amount of our national debt, and I will again read them to you. The provincial debt was first $110,000,000 as near as I can come at it. The government is not responsible for that debt. Then we have the Canadian Pacific Railway, $63,000,000; we have the Intercolonial and branches, $45,000,000 and Canals, $39,000,000, making $287,000,000 expended on those works. Were they not for the benefit of Canada, and is not Canada deriving the benefit of them? Is there any man in this House or in the country who would say that any one of those enterprises is not in the public interest and that we do not receive advantages from them more than their cost? Then, we deduct the public debt. The debt was about $245,000,000 and then we have a sum of $12,000,000 that those works cost more than the national debt of the country to-day. Therefore, I may say to my hon. friend, when he based that assertion that the depression and the failure of the National Policy, was owing to the debt of the country and the deficit and the falling off of exports, that he was not justified in making such a statement. I will now turn to my hon. friend from Marquette, and I regret that I do not see him in his place. I was very much surprised at the assertions he made, and the position he took here in the House. To me it was deplorable to find the hon. gentleman labouring under the delusion that we, by decreasing the tariff, would increase the revenue and increase the manufacturing industries of the country. It was novel to me; it was a position I thought that no person had ever taken in this House and a position which I could not see how he could attempt to justify. My hon. friend seems to think that we can do without any revenue at all—at least, that is the deduction that I draw from his remarks—that we could carry on the government in all its different branches without a revenue. The hon. gentleman must know that we have to make up $35,000,000 a year in order to carry on the ordinary expenses of the government. If the free trade principle which the opposition profess were to prevail, how could that revenue be raised? The opposition went to the people in 1891 on a policy of going into a commercial partnership with the United States and we know the result. The people rejected that policy and the hon. gentlemen are still in opposition. No wonder they are growing desperate and are taking up a policy which even in England itself is condemned by the masses of the people. When free trade was established, Cobden himself declared that, within ten years, every civilized country in the world would adopt free trade. The result has been the reverse—every country excepting England has a protective tariff and is competing with the English manufacturers in their own market, and competing with them successfully in every market throughout the world. There is a feeling in England that things cannot remain as they are—that there must be some change in the interest of labour and the industries of the country which will prevent them being swamped by foreign competition. When a change comes it must be in the direction of protecting the industries of their own country. My hon. friend from Shell River claimed that the manufacturers of this country were making enormous fortunes.

He took the census of 1891, and said that capital invested in manufacturing interests in Canada amounted to $354,000,000, that the wages paid out amounted to $100,000,000, and that the productions of that labour were $476,000,000, and he allowed as a fair return on the investments, 10 per cent. His contention is that the manufacturers are making $85,000,000 profit every year. I do not see how that can be. I should be glad to know that they are successful, but I do not think that in 1891 or at any time prior to that year, or subsequent to it, the manufacturers have been making any such profits. The hon. gentleman forgot, in making up his calculations, to include other expenditures which are incidental to every industry. He forgot to mention interest, insurance, agencies, deterioration of plant and, most important of all, the profit and loss account.

Hon. Mr. BOULTON—The gross fire insurance paid in the year was $5,000,000, while the taxes to which I have referred amount to $90,000,000. Even charging all the insurance to the manufacturing industries, it would leave an enormous margin still.

Hon. Mr. KAULBACH—The hon. gentleman has made up his figures as I have described, and he allowed 10 per cent as sufficient remuneration to those employed in those industries. I repeat I do not see where the profit is ; I do not believe that the manufacturers in Canada have been so successful, and, as I stated, he must have left something out of the calculation. Everybody knows that the profit and loss account is large, that not all of the products of the factory are convertible into cash, and that there are many bad debts to be taken into account. Any one who has a technical knowledge of the subject can take up these figures and show that there is nothing in my hon. friend's contention, and if there has been a profit, it has not been large. The hon. gentleman made a special reference to the Massey Manufacturing Company. Now, I do not pretend to know much about agricultural implements, but I do know that we can get them as good and as cheap in Canada as in any other country in the world. There is a member of this House from the North-west Territories who can speak from personal knowledge of the subject, and he can tell the House that instead of the country being injured by the protection of the agricultural implement manufacturers, the country is generally benefited in having such an industry, and that no part of the Dominion benefits more by it than the North-west Territories. In Nova Scotia, I know we can get agricultural implements, made in this country, which are as cheap as any that are sold in the United States. After hearing the calculations of the hon. gentleman from Shell River, I would not consider him a safe man for the position of Finance Minister of Canada. His statements are not logical, nor do they show a practical knowledge of the subject which he has been discussing before the House. He thinks that the public service can be carried on without a revenue tariff.

Hon. Mr. BOULTON—The ground I took is that if the country can bear a protective taxation of $90,000,000, in addition to the $20,000,000 of taxation for revenue purposes, if you remove the $90,000,000 taxation from the shoulders of the people they will be in a better position to contribute whatever revenue is necessary.

Hon. Mr. KAULBACH—Then my deduction from what the hon. gentleman says is correct—that he considers a revenue tariff unnecessary.

Hon. Mr. BOULTON—You may put the tax on incomes.

Hon. Mr. KAULBACH—That is what I hoped to draw from my hon. friend. My hon. friend's free trade policy would put the burden on the labouring mass and on the farmers, would tax everything tangible, houses, lands and property, and would allow foreign manufactures and farm products to come in and make Canada a slaughter market without contributing anything to our revenue. The hon. gentleman would tax the land owner dead and alive—tax him eternally. That is his policy, and I am very glad to have drawn him out to make the admission. Free trade in Canada would mean throwing down our wall of protection and allowing everybody to come in and make this a slaughter market without paying anything whatever in the way of taxes, while our people would have to bear all the burden, and yet we have our

exports taxed in all foreign countries. I tell the hon. gentleman that that policy will not go down in Canada. I have heard the subject discussed many a time, and the general impression is that the opposition are not in earnest in advocating free trade. Where would our industries be if we adopted free trade—where would our fisheries be?

Hon. Mr. BOULTON—They require no protection.

Hon. Mr. KAULBACH—Our fishermen will know that such is the policy of the Grit party, that the bounties would be taken away from them, that their salt, lines, twines, would have no protection from taxes. The fishing industry has been worked up by the National Policy—by the bounties paid to the fishermen, and the only trouble with our fishermen to-day is that they cannot find foreign markets for their fish—they catch more fish than they can sell. My hon. friend would have this country inundated with the productions of the United States. Such a policy is not in the interests of Canada and whatever the Opposition may say or do, their free trade policy will be condemned in the next election. I am satisfied that the consensus of public opinion will be strongly in favour of the National Policy.

Hon. Mr. BOULTON—What about your shipping industry?

Hon. Mr. KAULBACH—Our shipping industry is prosperous. The tonnage is increasing everywhere. In 1876 the tonnage of sea-going vessels entering and clearing in Canadian ports was less than 10,000,000 tons. Last year it had increased to 20,000,000 tons.

Hon. Mr. POWER—The hon. gentleman referred to the tonnage owned in Canada.

Hon. Mr. KAULBACH—The coasting tonnage increased from 10,000,000 tons in 1877 to 26,000,000 tons last year. I have not the facts before me showing the tonnage of vessels owned in Canada, but I believe there is an increase. So far as the county of Lunenburg is concerned, our tonnage is increasing, but even if the figures show a decrease, it could easily be accounted for by the change in the carrying trade. Wooden ships are going out of use, and are being replaced by steamships, and one steamship can do five times as much as a sailing vessel of equal tonnage. At one time the harbour of Halifax was a forest of masts, but now the business is largely done by steamers.

Hon. Mr. BOULTON—If the hon. gentleman will examine the government returns he will find that the average tonnage of vessels is just exactly one-half of what he says—that is new vessels built.

Hon. Mr. KAULBACH—It is because we are going out of wooden ships.

Hon. Mr. BOULTON—I am including steam vessels.

Hon. Mr. KAULBACH—We are keeping up with the progress of the country, and of the age in which we live. When the Opposition were in power, they were satisfied with sailing vessels, but we are a progressive people and have a progressive government, and we have adopted steamships chiefly for our foreign trade. If my hon. friend and his party were in power our trade would be done without steamers, as it used to be when they held office before. We used to ship our products to the West Indies entirely in schooners; that business since then has changed. I believe we will soon be building iron and steel vessels in Canada instead of having to get them from other countries. As we develop the iron industry, the facilities for manufacturing such vessels will increase.

Hon. Mr. BOULTON—Protect them by free trade.

Hon. Mr. KAULBACH—I do not know how we could protect them by free trade. It would give other countries the benefit of our markets and would not help our shipping industry. The result of a free trade policy would be that the vessels would be built and owned abroad, and would do our carrying trade, whatever little we would have to export. There has been an entire change in the business of the country, and we do not care whether wooden ships are employed or not: that is solely the business of shippers. The hon. gentleman makes a comparison between the period of wooden vessels and the present time as if we were still in the sailing period. The march of progress is so

great, the enterprise of the people is so active, and the competition so keen, that we cannot any longer ship our products and trade to the market by sailing vessels. I think I have said enough on the trade policy. I believe the present policy is the true one for the development of the country. It has stood the test of seventeen years' experience, and will be sustained by the people at the next election. If the government in every way do their duty there will not be a change of administration on the ground of their national policy. To free trade as in England, our people are opposed.

There is one part of my hon. friend's speech to which I must refer, but I did not wish to go back to the school question of Manitoba. It is generally admitted that every citizen should feel safe in all his rights and religious liberties as guaranteed him under the constitution of his country. He admitted that the school system of 1870 should in some way be restored. The Roman Catholics should not be obliged to contribute to the public schools. My hon. friend stated that here, and I am very glad that he made that admission. He in effect admits the injustice, but what would he do? He would make compensation. He would ask the Dominion Government to make compensation and, it seems to me, it is want of foresight and want of acumen to say that the Dominion Government should support the Roman Catholic schools of Manitoba by means of the Dominion lands of this country. How are you going to convert the Dominion lands into money? I do not believe that the Dominion lands, valuable as they are for settlement, should be converted into a school fund, and to ask this government to surrender that estate which we have in lands for certain denominational schools in Manitoba, is to me a suggestion which cannot be justified. I see no reason or justification for saying that the Protestants should have to bear all the taxation of that country and that the Roman Catholic should be granted this land. I do not see how you are going to convert the land into cash.

Hon. Mr. BOULTON—Because you do not live there.

Hon. Mr. KAULBACH—But my hon. friend lives there, and yet be failed to show us the way to do so. They would not probably be of any value to them and it would be bad policy for a government, when a province has acted in the way Manitoba has done towards a large element of the community, to say that we should relieve them of the duties that devolve upon them under the constitution, and that we should compensate and make up for the wrongs the local authorities have done. That would be most unreasonable and improper, and I do not think the government should undertake anything of the kind. I perfectly agree with all the statements in the address. I only hope that our present premier may adopt the same policy as his predecessor, and will follow in his footsteps and be guided by his principles, that he may in the same way rise, step by step, until he becomes the equal of his predecessor. Our late premier ascended, step by step, until he reached the highest pinnacle to which a statesman of Canada can advance. I very much regret the loss of our great leader here and I cannot help sighing for the "touch of a vanished hand and the sound of a voice that is still." I feel sadly the loss of our late and lamented premier and I hope that his successor will have in the same degree the confidence of the people which he possessed.

Hon. Mr. BERNIER—Four days have been devoted already to the discussion of the address in answer to the speech from the Throne, and perhaps it should not be protracted longer. But I ask the permission of the House to add a few remarks to what has already been said. Some of the previous speeches made by hon. gentlemen did not allow me to remain silent. I refer to some remarks of my hon. friend in connection with the school question. But, before taking up that subject, I desire to refer briefly to the lamented death of our late premier. The sad occurrence has elicited from all the previous speakers forcible expressions of the deepest sorrow for his tragic and premature departure and eloquent eulogies of the statesman now at rest. I most sincerely join in these expressions of sorrow and eulogies. I desire also to put on record my regret at the death of the late Hon. Mr. Tassé, who was an ornament to this House, to politics and to literature. In mentioning the death of our late premier, I should not forget to congratulate our new premier on his accession to power, and on the well earned honours

which Her Majesty has been pleased to confer upon him. I also congratulate the hon. member from Prince Edward Island on his preferment to the position of cabinet minister.

I now come to the question which is the principal object of these remarks. It has been my intention from the first to give it some consideration, but contrary to what might have been your expectation, my reference to that subject was to have been very brief. On the reception of the Order in Council, the Manitoba Legislature adjourned till May 9th, with a declaration on the part of the government that the delay was for the purpose of taking into consideration the warning they had received. It seemed to me that, under the circumstances, the best thing to do was to leave that matter at rest for the moment, so as to give the provincial authorities full and undisturbed opportunity to make up their mind. That was a kind of truce which I was quite disposed to observe and maintain. I quite realize the gravity of the situation; the question requires grave and calm consideration. No one is more impressed than I am with the responsibility that may fall upon us within a short period; no one is more desirous than I am to see this vexed question taken away from the political arena. My intention was simply to do what I feel to be a duty on my part, that is, to declare and express the complete satisfaction which the Order in Council has given to the minority, and to join in the hope so earnestly expressed by the mover and the seconder of the address, as well as by the hon. leader of the government, that the provincial authorities will at last come to their senses and will loyally and patriotically retrace their steps and do what is right. To that only were my remarks to be confined had not my hon. friend from Marquette entirely changed my mind by his own remarks on the same subject. I must confess that these remarks took me completely by surprise. I have always been one of the most attentive and patient listeners to the hon. gentleman and, though having serious doubts as to the advisability of realizing his commercial conceptions, still I could not help admiring his faith and his industrious and elaborate eloquence. Although he did not depart, I must admit, from his customary gentlemanly way of propounding his doctrines (I heard some one say his fads) he has gone so far astray in this instance, and has forgotten his usual fairness to such an extent, that I am afraid he will have to make very great efforts to convince me on any other matters in future. It may be advisable to state, at the outset, that the minority in Manitoba never had, nor has it at present, any desire to interfere with the school legislation of the province in so far as non-Catholics are concerned. We never asked for any such interference. Let them have if they like what they call, very improperly, national schools. Different interpretations have been placed upon the Order in Council—some have said that it was mandatory, others that it was the very opposite. I confess I have not much concern as to these different interpretations. The Order in Council, to my mind, speaks for itself. I am sure there is no one in this Dominion having any doubt as to its effect. It is the fair warning required by the constitution to the provincial authorities of Manitoba that if they refuse or simply neglect to remove by proper legislation the grievances of the minority, this Parliament will be empowered to do what Manitoba should have done. Their inaction will have given jurisdiction to this Parliament according to the provisions of the constitution. The whole case is now in the hands of Manitoba and if at any future time this Parliament is called upon to legislate for that province in the matter of education the fault will lie with the province and not with the federal government or with this Parliament. Such legislation by Parliament will not be an encroachment upon the rights of the province. From the beginning of confederation it was contemplated that the minority should be protected. Sir Etienne Taché, who was president of the conference in Quebec in 1864, and who was afterwards premier of Canada spoke in this way—being premier of Canada he had authority to speak for the government and to declare the policy of that government and the meaning of its legislation. He said:

If the lower branch, of the legislature were insensate enough and wicked enough to commit some flagrant act of injustice (I desire to remark here that Sir E. Taché does not limit his declaration to acts within the constitution, he speaks of any act of injustice). If the lower branch of the legislature were insensate enough and wicked enough to commit some flagrant act of injustice against the English Protestant portion of the community, they would be checked by the general government. But the hon. gentleman argues that that would raise an issue between the local and the general governments.

We must not, however, forget that the general government is composed of representatives from all portions of the country—that they would not be likely to commit an unjust act—and that if they did so, they would be met by such a storm of opposition as would sweep them out of their places in a very short time. (Conf. Deb., pp. 236-7.)

Of course these remarks applied to the Protestant schools then, but it is obvious that they must apply also to a Catholic minority, when in any province it happens that the Catholics are in the minority.

Hon. Mr. BOULTON—Will the hon. gentleman allow me to say that the judgment of the Privy Council said that the British North America Act, section 93, subsection 3, relating to education, did not apply to this case.

Hon. Mr. BERNIER—I am sorry to say that I do not think that the interruption of the hon. gentleman applies in this case either, because I am speaking of the general principle which lies at the root of the Confederation Act—its fundamental principle in fact.

Hon. Mr. ANGERS—Does the hon. gentleman from Shell River refer to the last judgment ?

Hon. Mr. BOULTON — The British North America Act, which created the confederation you speak of, does not apply to the Manitoba case.

Hon. Mr. BERNIER—It does apply by induction, because by an Imperial statute all the clauses of the Confederation Act which were not inconsistent with the Manitoba Act, were made to apply to Manitoba. I desire to call attention to one of the remarks made by Sir Etienne Taché. You will observe that he says :—

If the lower branch of the legislature were insensate enough and wicked enough to do some flagrant act of injustice.

He does not speak of any constitutional or unconstitutional act. The ground for appeal in all these matters is not really the fact of the Act being constitutional or unconstitutional. It is injustice that opens the door to appeal. We are continually being told, and it is being represented to the people of the Dominion at large that we are always asking for something new and for additional privileges. Now I wish to demonstrate that the first to require that protection for the minority should be provided for in the constitution were the Protestant people. By the exertions of English Protestants the protection of the minority by the Federal Parliament has become a fundamental principle of the constitution. Without it confederation would never have existed. Sir John Rose and Sir A. T. Galt were in the front rank of those who exacted that principle and who declared that without it the Protestant people would not accede to the proposed new regime. I quote from the speech of Sir John Rose :

Looking at the scheme from the standpoint of an English Protestant in Lower Canada, let me see whether the interests of those of my own race and religion in that section are safely and properly guarded. There are certain points upon which they feel the greatest interest, and with regard to which it is but proper that they should be assured that there are sufficient safe-guards provided for their preservation. Upon these points I desire to put some questions to the government.

He states his questions on the first point and then he goes on :

The second is, whether such safe-guards will be provided for the educational system of the minority in Lower Canada as will be satisfactory to them. Upon these points some apprehensions seem to exist in the minds of the English minority in Lower Canada.

I also quote an utterance made by Sir A. T. Galt :

It must be clear that a measure would not be favourably entertained by the minority in Lower Canada which would place the education of the children and the provision for their schools wholly in the hands of a majority of a different faith. It was clear that in confiding the general subject of education to the local legislature it was absolutely necessary that it should be accompanied by such restrictions as would prevent injustice in any respect from being done. Now, this applied to Lower Canada but it also applied and with equal force to Upper Canada and the other provinces, for in Lower Canada there was a Protestant minority, and in the other provinces a Roman Catholic minority. The same privileges belong to the one of right here as belonged to the other of right elsewhere. There could be no greater injustice to a population, than to compel them to have their children educated in a manner contrary to their own religious belief.

It is well known that the requirements as to legislation which were sought for by the English Protestants for their protection were acceded to. Now the province of Quebec is in one respect in the same position as Manitoba. Indeed all the provinces are on the same footing, and it is an erroneous statement to say that Manitoba is receiving

exceptional treatment. If any other province were to try to do as Manitoba has done it would receive the same treatment. Take Nova Scotia for instance. At the time that confederation came into existence there was no law providing for a separate school system in that provnice. Consequently the minority could not under the constitution come here and appeal against the existing law. Suppose, however, that Nova Scotia were to establish by law such a system of schools. The minority would thereby acquire rights and privileges which could not afterwards be injuriously affected by subsequent legislation. If their rights were so affected the minority would have a right to appeal, and the province of Nova Scotia would have to abide by the results. On this point I will quote subsection 3 of section 93 of the British North America Act, which is my authority:

> Where in any province a system of separate or dissentient schools exists by law at the union, or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council, from any Act or decision of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

I claim that if at the present day Nova Scotia were to pass an act establishing separate schools, the rights acquired by the minority under that law could not be taken away from them without giving them a right of appeal to this government and afterwards to this Parliament. The position of the province of Manitoba to-day is just the same as the position of Nova Scotia would be in that case, because the judgment under which they are seeking redress is based upon legislation by the province since confederation. The same principles pervade the federal and local charters, and I hold that Manitoba ought not to be relieved from the application of these general principles. Why should not the Catholics of Manitoba be accorded the protection that the English Protestants in other portions of the Dominion demanded to be made a clause of the compact under which they entered confederation? It may be very well to say in a superficial way, that the majority does not want to be fettered by any restriction nor to see its rights encroached upon. Any one who makes himself familiar with the circumstances of the case and gives to the subject his honest and earnest consideration, will admit that nothing of the kind is intended. There is no wish to place restrictions or fetters upon the majority, there is no proposition to preclude that majority from continuing to have their own schools conducted in such manner and under such laws and regulations as they desire.

Hon. Mr. BOULTON—Will the hon. gentleman permit me to interrupt him once more. The objection we have out west, where I reside, to the separate school system is, that we have in the one district a separate school containing say, 20 Roman Catholic children, and another district containing 20 Protestant children. Thus we have two poor schools instead of one good one. We want to have a good school and we can only have that by having a united school.

Hon. Mr. BERNIER—That is a very small matter—a matter of detail which certainly cannot be taken in opposition to the general principles that we are seeking to have applied to the province. The majority in Manitoba have had their own schools in the past without interference on the part of the minority or anybody else. They have them at present, and there is no intention to interfere with them in the future. The only thing that is desired by the minority is to be treated in the same way, and have their schools conducted according to the dictates of their own consciences, just as the majority have. That right the minority had before 1890, and the recent judgment of the Privy Council declares that it was wrong to dispossess them of that right, that this grievance should be remedied, and Her Majesty acting on the advice of the Judicial Committee of the Privy Council has ordered that "the recommendations and directions therein contained be punctually obeyed and carried into effect in each and every particular, whereof the Governor General of Canada, for the time being, and any other person who may be concerned, have to take notice and govern themselves accordingly." On that judgment the government of Canada has notified the provincial authorities in Manitoba to govern themselves according to the command of Her Majesty, and that in default they would have to conform themselves to the constitution and propose such remedial legislation as the circumstances may require. It might not be useless to remark that the government has been acting

and that Parliament will be called to act, not under any power that may be conferred on them by the general Confederation Act but by the Manitoba Act, by the charter of the province itself. Surely it cannot be said that the federal government or the Parliament of Canada are invading any provincial rights when they are acting by virtue of the powers contained in the local charter and on a specific subject, and in default of the provincial authorities acting as provided by such local charter. That theory of provincial rights which is so largely propounded in this case, is not tenable and would drive us to the worst results if it were carried to its logical consequences. Let us consider the matter for a moment. A verdict has been rendered in this case by the Privy Council. That verdict is that the minority have rights, that the legislation of 1890 has caused them a serious grievance, that we have a right to complain, that we have done it in proper form, and that the grievance should be remedied. If we are right, then, hon. gentlemen, the others are wrong. There cannot be an escape from that proposition, and if they are wrong their rights are not invaded by the redress of their wrong. It should not be sought to take advantage of the theory of provincial rights to cover and maintain provincial wrongs. Everybody should feel that the only duty we have to perform is to loyally submit to the findings of the Privy Council and to the commands of Her Majesty, thereby restoring peace and harmony where they prevailed before, restoring a condition which should never have been altered. I say more, not only restoring peace but taking away one of the drawbacks from which our province, has suffered even materially. A good deal of discussion is going on at present about the depression of affairs, and the tariff is said by some to be one of the causes of that depression. I have nothing to say at present on that subject, but I will say this, that in Manitoba one of the principal causes of the slow progress that has been made is the agitation to which we have been subjected almost permanently for one cause or another. At a distance it seems as if we ever were almost on the eve of a civil war, and the consequence is that emigrants are deterred from coming into the province. For the sake of our welfare, for the sake of the rapid development of our immense territories, let us cool down, let us put together our intellectual and physical forces and let us work up our national resources in a spirit of generosity and citizenship, in a spirit of charity, and like good Christians and true Canadians. I must also give some consideration to another part of the subject. I refer to the standard of our schools, although the hon. gentleman did not refer to the subject. I must enter here my strong protest against the allegation that our schools are inferior to the other schools. It is a very delicate subject to deal with. Comparisons are very often offensive. As a rule we abstain from any research into the schools of non-Catholics, because we consider it is not our province to criticise those schools and we are not concerned about them.

Hon. Mr. BOULTON—I would like to ask the hon. gentleman, if he will allow me, if any school that complies with the conditions of the law fails to get the grant both from the municipality and the government.

Hon. Mr. BERNIER—You mean the present law?

Hon. Mr. BOULTON—Yes.

Hon. Mr. BERNIER—If my hon. friend will wait for a moment, I will come to that subject and I will explain all that. I was saying that at times, if we indulge in comparisons between the non-Catholic schools and ours, it is not with a view of finding fault, but to find whether ours could not be improved, because, whatever may be said to the contrary, it is our aim to have as good teachers and as good schools as possible. In any community there are drawbacks, and we have our share of them, we humbly admit; but that is no good reason for passing a general condemnation on everything that belongs to us. Whilst we are doing our best to advance in every situation of life, it appears that our opponents are doing all they can to discountenance our efforts. They have been making some inquiries as to the working of our schools, but they have been precluded by their prejudices from making those inquiries perfect, or to see things as they are. By force of circumstances, the majority of our schools are generally conducted in the French language, although the English language is also generally taught, which teaching, by the way, gives to our school a superiority over the others in that branch, and increases the

number of subjects taught, leaving consequently less time for some other subjects. Now, how can a man who does not visit a school and who does not know the language of the children, be a good judge of that school? Most certainly, he cannot be, and I dare say that almost all those who take upon themselves to criticise the Manitoba Catholic schools, are in that position; consequently their testimony is not worth consideration. But I will go further and put before you as good evidence as can be had that our schools were as efficient as the circumstances of the province could allow. First take our programme; that programme contains 15 clauses and the subjects to be taught according to that programme are these:—Religious instruction in the child's language; reading, spelling, grammar, analysis and composition, these four subjects in French and English; penmanship, drawing, arithmetic, mensuration, and algebra; book-keeping, single and double entry; geography, all parts of the world; sacred history, history of Canada, England and France; good behaviour, etc., useful knowledge, chemistry, agriculture and astronomy. For the girls, domestic economy, sewing embroidery, etc. Now, I contend that this programme is as comprehensive as it should be for a primary school. It must not be forgotten that the aim of an ordinary primary school is not to make scientists. It is to give a good start for the higher studies for those whose circumstances will permit them to make such a study, and for others a sufficient knowledge to hold their own in the humble condition in which God has placed them. The programme which I have just read to you fulfils the condition. To increase in that programme would be cramming, and would tend more to injure the health and intelligence of the child than to do him good. At times some chances are given when a kind of test may be made as between the various schools: exhibitions, for instance, and opinions from people who, by their position and previous relations, may be said to be good judges. It has been the privilege of our schools to be submitted to such tests, and here are the results. At the first school exhibition at Portage la Prairie, in our own province, we had an exhibition where the Protestants and the Catholics exhibited side by side the work of their pupils, and general school work. Our schools were then awarded a diploma for general excellence. Some years afterwards we were invited to take part in the London Colonial Exhibition; and we sent there, though very reluctantly, as the notice appeared too short, exhibits from eleven schools. Nine were awarded the diploma, and the Catholic superintendent was also in receipt of one of those diplomas. The Protestant schools may also have received some, but I must say that I have never heard that they did. And now, if we go to the grand Chicago Fair, there also the Catholic schools, their methods, their teachers and their exhibits were declared to be of a superior order by friends and foes, by experts and visitors of distinction, and finally by the judges. However, it may be said that it was not the Catholic schools of Manitoba but the Catholic schools of Quebec which exhibited, but as the accusation of inferiority bears not only on the Manitoba schools but generally on the Catholic schools, it is quite proper to refer to the result of the Chicago exhibition as offering a sure evidence of the adequacy of our system, and of the Catholic schools everywhere, and unless these exhibition tests are ignored—and if they be ignored what is the use of having them—unless these exhibition tests are set aside it must be considered that they entirely destroy that accusation of inferiority. So much for the exhibition. Let us take some of the testimonials that were sent to us by persons in a position to know. On the occasion of the Colonial exhibition at London, we had correspondence from which I quote. I will first read a letter from Captain William Clarke who took part in the repression of the rebellion in the North-west in 1885:—

LONDON, 27th July, 1886.

DEAR SIR,—I can speak with experience with reference to the excellence of your section, two of my daughters having been for a long time with the good sisters of St. Boniface, where their progress was as satisfactory to me as it was pleasant to them.

I am, sir, your obedient servant,
WILLIAM CLARKE.

That letter was addressed to me as superintendent of education. Mr. Clarke was not a Roman Catholic, but was a very decided Protestant. Sir Charles Tupper was not a Catholic either, yet he wrote this letter:

COLONIAL AND INDIAN EXHIBITION, 1886,
CANADIAN SECTION,
LONDON, 29th July, 1886.

To T. A. BERNIER, Esq.

MY DEAR SIR,—I duly received your letter of the 3rd inst., and thank you for the memorandum

which you have prepared on behalf of your section of the Manitoba educational exhibit. I shall be pleased to receive a thousand copies of the memorandum and to see that they are carefully distributed. The exhibit which you have taken such pains to collect has already attracted considerable attention, and I do not doubt it will add to the success of the Dominion at the exhibition.

I remain yours faithfully,

CHARLES TUPPER.

I take the following extract from the *Canadian Gazette* of London, published on the 4th November, 1886 :

It is generally believed that of all the sister provinces, that of Manitoba is the least advanced towards civilization. We already know that in many respects such is not the case, but if we consider the excellent scholastic exhibition of that province, we see in what degree that impression is erroneous, especially in the matter of education.

The collection contains samples of books, exercises, scholastic material, &c., coming from the Catholic schools as well as from the Protestant schools of the province.

The excellence of the work, and especially of the geographical charts, is incontestible. This is the more pleasing, if we consider the fact that many exhibits are dated from the year 1884, and the beginning of the year 1885. It is evident the exhibit is composed of the ordinary duties of the schools in all parts of the province, and not of work specially prepared for the occasion.

No pretension has been made to eclipse the school exhibits of the other provinces, but the collection that is under our eyes denotes that in one of the most recently organized provinces of the confederation, there exists a school system which, although respecting the faith and religious convictions of the population, offers to every one an education capable of fitting for the highest rank in society, the child who is placed under its care.

This refers more especially to the Roman Catholic schools. That is evident from the fact that some of the sentences in that passage are almost word for word taken from the memoran ium which I had prepared to accompany the exhibits of the Roman Catholic schools to London. Now let us see whether we could not arrive at the same conclusion by the results of common examination. There was no such common examination in the primary schools, but there were and there are still common examinations in higher branches at the University of Manitoba. I may say that we have a university the institution of which is unique in the Dominion, I believe. It is a federation of colleges, including institutions of all denominations. We have four examinations, the preliminary, the previous, the Junior B. A. and the Senior. In the Junior B. A. and the Senior B. A. the students generally branch off, some graduating in mathematics, some in natural science, some in classics, some in mental and in moral philosophy, but at the preliminary and previous examinations the students of all the colleges come into contact and pass a common examination. The papers are corrected by professors of the various colleges. At those examinations the students of the Catholic college of St. Boniface have always had their full share of honours, prizes and scholarships, and sometimes more than their proportionate share. The argument that I draw from this is that in education every thing is connected and the last result is generally an indication of what the beginnings were. The students of the St. Boniface college begin their studies and make their preparations in our primary schools, and, if these schools did not do proper work, those students would not be able in after years to post themselves sufficiently in the higher subjects to compete with the students of the other colleges. The fact that they do compete and take their full share of awards is a test of our primary schools, and one that is in our favour. Of course, the remarks are not in answer to the hon. gentleman, because he did not touch that subject. Now as to the other contention of the hon. gentleman—that the agreement of 1870 could not be binding on the present population, I wish to say a few words. To begin with, is there not some inconsistency in the contention of the hon. gentleman? He says first that there is a part of the province which is entitled to a remedy; he admits thereby that the agreement holds good for a part of the province, but in the next breath he argues that the agreement could not have the effect of binding the population for all time to come. Surely there is a contradiction in these two propositions. Let me take first his contention that the agreement entered into by the province of Manitoba must apply only within the limits of the original province. That is a proposition which bears its own refutation. By legislation on the part of both of the federal parliament and of the provincial legislature, the same rights and privileges which the population of Manitoba, irrespective of creed or origin, had then have been extended to the added territory. That legislation could not in fact impose on that new portion any other rights or privileges. Those rights were extended in the same proportion, to the same extent, in the same shape and

form, and with the same meaning which they had in the original province. All the legislative authorities possessing jurisdiction over that territory have declared that the added territory should enjoy the same rights and privileges as the original province. How then can it be contended that they come under a different rule? It would be as reasonable to contend that the territory itself was not added. The provincial legislature extended the educational acts then in force in the original province, to the added territory and having been once applied to the added territory I do not see how those rights can now be declared not to apply to it. The hon. gentleman says that the agreement is not binding for all time to come because when the original right was granted there were only 12,000 people in the Selkirk settlement, whilst that population has since increased to about 200,000 people. If that increase of population is a reason to set aside the original agreement, it is also a reason to set aside that agreement for the older part of the province where the population has also increased.

Hon. Mr. BOULTON—What I said was that the rights of the minority were confined to the Selkirk settlement, but the right is only a right to appeal—that when that appeal comes before Parliament there is a constitutional right on the part of Parliament to change their policy in any direction that they see fit.

Hon. Mr. BERNIER—This Parliament has no right to change the constitution of Manitoba ; only the Imperial Parliament can do that. The hon. gentleman said substantially that an agreement made by some 12,000 people could not be binding for all time to come on a population largely increased coming into the province afterwards. The answer to that is that it is binding until it is cancelled in a regular and constitutional way. It is like a man who has given his note and is bound by his signature. Afterwards his heirs are bound by the note until they are legally released. There is, in legal parlance, an expression which is used to describe an unpaid note ; we say that the note has been dishonoured. In this case until the constitution is changed the agreement stands, and what Manitoba has been doing for the past five years, is to put herself in the position of a man who allows his note to be dishonoured. It was with sentiments of national pride that I heard the other day the hon. leader of the government declare that the signature of our sovereign should not be dishonoured. As a matter of fact that agreement was made with the whole population of Canada. It was made by the 12,000 people that were there on the one part, and the Dominion at large on the other part, and the witness to that agreement was Her Majesty herself, for it was sealed with the great seal of the empire.

Hon. Mr. BOULTON—And what was that agreement?

Hon. Mr. BERNIER—The agreement was that the rights and privileges of the minority should always be respected, which has not been done during the past five years.

Hon. Mr. BOULTON—In what district?

Hon. Mr. BERNIER—In all the province.

Hon. Mr. BOULTON—What was the size of the province?

Hon. Mr. BERNIER—I cannot give the number of square miles, but it does not appear to me that the size of the province has much to do with the rights of the people.

Hon. Mr. KAULBACH—There is an Act of 1884 extending the limits of Manitoba.

Hon. Mr. BERNIER—I presume the hon. gentlemen from Shell River refers to that extension of the boundaries of the province. By an Act of Parliament the institutions of the province of Manitoba have been extended to the whole of that province including the added territory and afterward the provincial legislature itself extended all its legislation in all its various purports, including the educational acts then in force, to the added territory. The inhabitants of the added territory thus were endowed with all the privileges and rights in every shape and form and in all their bearings which were enjoyed by the remainder of the province. That is declared by the Parliament of Canada and by the province itself, yet, some 20 years afterwards there are some who say that the minority in the newer portion of the province do not enjoy the privileges that were conferred upon the original province. We have legislation which expressly extends to the added territory the constitution and the laws of

the original province and yet afterwards the hon. gentlemen comes and says that they do not apply.

Hon. Mr. BOULTON—Would the hon. gentleman take the ground that the Parliament that extended the boundaries of the province of Manitoba and included the added territory within its limits has no power to repeal its legislation if it sees fit?

Hon. Mr. BERNIER—As to that I do not think it has, seeing that all this legislation has been ratified by the Imperial Parliament.

Hon. Mr. BOULTON—Not as to the extension. The Imperial Parliament has nothing to do with the extension.

Hon. Mr. BERNIER—If the Imperial Parliament has nothing to do with the extension, it may be right to say that this Parliament would have the right to repeal what it has done. That is a general principle. There may be some clause in the constitution which would have the effect of preventing that; at present I am not prepared to answer the question fully. The general principle, however, is that the power which makes a law has also the power to repeal it unless some restriction is expressly placed upon that law which is the case with regard to educational matters in the province of Manitoba. Now, let us for a moment take the ground of the hon. gentleman that the Manitoba Act or the agreement of which the Manitoba Act was the result, does not apply to the added territory. Then surely there must be some law which does apply to that territory. What is that law? It is the Confederation Act, that and no other act can apply. In what position are we then? We certainly are in a better position: that is to say, the Catholics of the added territory are in a better position if we adopt the ground of the hon. gentleman than those of the old Selkirk settlement. The province of Manitoba has, by its own legislation extended to that new territory the application of the statutes in respect of matters of education. That means that they had given them the same rights and privileges that the older portion of the province enjoys. In either case there is undoubted right of appeal from any injustice subsequently done by the local government to this Parliament. It is only because rights and privileges have been affected that the way is open for an appeal. That is decided by the judgment of the Imperial Privy Council from which I quote as follows:

> So the question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their lordships are unable to see how this question can receive any but an affirmative answer.

For that added territory we have the post-union legislation of the province, which legislation gives rights and privileges to the minority; and you also have here a judgment of the Privy Council which declares that these rights and privileges have been affected by the Act of 1890, thus giving a clear right of appeal to the Governor in Council and to this Parliament, under the third subsection of the 93rd section of the British North America Act, which reads as follows:

> Where in any province a system of separate or dissentient schools exists by law at the union, or *is thereafter established* by the legislature of the province, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

The Manitoba legislature having established in the added territory, after its union with confederation and with the province of Manitoba, a system of separate schools, it follows that this section, should the contention of my honourable friend be right, would be applicable to that added territory, and would give a right of appeal to the Catholics living there, in view of the recent judgment of the Privy Council. Therefore I hold that the contention of the hon. gentleman as to that portion of territory is not tenable at all. If it were, it would go against him. I now return to the hon. gentleman's statements with regard to the agreement which was made by the then population of the province, as not being binding upon the present population. As a matter of fact that agreement was made not only with the 12,000 people who were there at the time but with them, their heirs and successors, as all agreements are made. I would just like to put a practical question which, it seems to me, is a very pertinent one in this connection. How could the agreement have been made with the 12,000 people only and for their sole benefit and not for the benefit of those who were to come after

them ? The Roman Catholic population of the province at that time had no need of the protection which was provided, for they were not in the minority. They were actually in a small majority. It was the Protestants who were in the minority—not so small a minority that any other section of the population could encroach upon their rights however. I say, then, that the population of the country as it existed at that time had no need on either side of any such protection and it is therefore evident that the agreement was made for a future time and for those who should go to settle in the province thereafter. It was made with the view of getting rid for all time to come of this vexed question. There is another side to this agreement also. Those who do not share our views in the matter of education knew before settling in the province what the law was and that this agreement was in existence, and they must have made up their minds to accept that condition of things. As for those who like myself believe in the system of schools in existence for twenty years in the province of Manitoba without friction, and which leaves to the parents the legitimate control of the education of their children, we went up there believing that such a system was to remain in force. Both the federal and the local governments have repeatedly invited the inhabitants of the eastern provinces of Canada to go and settle there and help in the building up of the province and in the development of the resources of that part of the Dominion ; and under the promises made to us in that respect, under the faith of the constitution as it stood we went and settled around Fort Garry ; we induced others to go and one of the inducements was just that feature of the constitution. That agreement stands for all time, that Catholic schools shall be protected, and the largest part of the Catholics who are now settled in the province have gone there relying upon the assurance that that protection would always be extended to them. I might declare here that I, myself, would not have gone there if I had been informed that sooner or later that feature of the constitution would be altered. Had I been informed, that after 10, or 15, or 20 years, the rights which were understood then by everybody to be of a permanent character would be disregarded, had I been informed that instead of the protection to which the minority is entitled, the majority would take upon themselves to change at their will, and at any time, the condition of things, even if it were manifestly unjust, and throw upon me the extra charges of maintaining schools which are of no avail to me—had I been informed of all that, I would never have dreamed of leaving my native province to go and settle in that western territory. I would never have induced anybody to follow my example, and to-day it is a startling discovery to be told that one of the principal features of the constitution was merely a trap which the majority could make use of one day or other to crush down a minority who had loyally trusted themselves to the generosity of their fellow citizens for the enjoyment of what they considered the most sacred right, that of educating their beloved children according to their own views. True, the circumstances are altered. At the time of the union we were in a majority, and we had at the time no idea of preventing our fellow citizens from having the kind of schools they liked, and now we are the minority. Instead of 12,000 people we have to-day about 200,000, but if circumstances are changed there is something that has not changed, it is the duty and the natural right of the parents to give an education of their choice to their children and to control that education. Whether a minority or a majority, the child is always the child, the parents are always the parents and their rights with reference to their children are always the same. Those rights are recognized by the constitution, and that constitutional agreement is binding upon the province and the Dominion to-day as it was in 1870. As a matter of fact, the agreement has been entered into not only with those who made the original bargain but with all those, who, relying on the recognized permanent character of the same, went up there since and have made Manitoba or the North-west their adopted home. Further, that agreement has been ratified and entered into again and again by the province itself. The province has ratified that agreement each time that it has legislated in the matter of education without changing the principles upon which it was based, and such legislation the legislature of the province has passed almost every year for 20 years. In consequence of that yearly ratification for so long a period, it can be said that the agreement is not alone the act of that 12,000 people referred to, but

also the act of the increased population. The hon. gentleman from Marquette has laid a good deal of stress upon the fact that we are in a small minority, and he has taken a good deal of trouble in quoting figures to prove the fact.

Hon. Mr. BOULTON—In the west.

Hon. Mr. BERNIER—Well, we admit we are in a minority in the whole province. The hon. gentleman having so established that we are in the minority he has argued from that fact that such minority should not be allowed to have anything to say in the matter.

Hon. Mr. BOULTON—You have got your constitutional privilege the same as I have.

Hon. Mr. BERNIER—But the Privy Council has declared that we are the parties having rights and privileges in this matter. The others having done wrong, you cannot speak of their rights; they have no rights but they have wrongs to talk about. I ask pardon for the expression I am about to use, but there is about this contention a breeze of impertinence that I did not expect on the part of the hon. gentleman, on the fairness of whom I had always relied. We surely do not deny that we are in a small minority, but we resent the idea that because we are in a small minority, because we are weak, no attention is to be paid to our interests or our feelings. The law was passed in anticipation that there would be a minority. It was passed for the protection of that minority. The majority does not need such constitutional protection. It can take care of itself. Here is a law made, here is an agreement entered into, just in anticipation that in after years there might be a discrepancy in the numerical strength of the various elements that were to compose the population of the province. That law was made so as to give comfort and protection to the minority against the possible encroachments of the majority. That is the object of the law, but now the majority come and say, "Oh, you are a minority of no importance, we will do just as it pleases us, and you will have nothing to say. The majority rules. True, there is an agreement. True, there is a constitution construed in favour of the minority by the decision of the Privy Council, but all that does not amount to anything, you are the minority, and we are the majority, and we need not trouble ourselves for all that." Does it not seem, rather, that the smaller the minority the more appropriate is the law, the smaller the minority the more cogent is the law, the more necessity of it must appear, the greater is the obligation of adhering strictly to the constitution? The smaller the minority, the more should the majority show their generosity in allowing their fellow-citizens to enjoy the rights which they had been told by that very majority they would have for all time to come. I am sure that the doctrine would not be applied to the minority of the province of Quebec. I am at present referring to something existing in the province of Quebec, which I think is an instance that presents about the same feature as our privileges in the west. Apart from the protection that every Protestant in Quebec demanded at the time of confederation, they required some further protection. They asked that a certain number of counties be reserved for them, and that those counties should not be changed only under certain circumstances. The majority in those counties were English Protestants. There are thirteen counties in that position. Since that, however, the complexion of the majority has changed, and the population has also increased. Should now that increase in population be a good reason to do away with the protection that was then promised—to do away with the agreement that was entered into by the province of Quebec, that was entered into in connection with all these thirteen counties? I do not think that such a contention could be sustained.

Hon. Mr. BOULTON—Could the Dominion government interfere in that?

Hon. Mr. KAULBACH—No.

Hon. Mr. ANGERS.—It could only be done by Imperial Act.

Hon. Mr. BERNIER—There is something astounding about the doctrine of the hon. gentleman. True, he says, there was an agreement and that agreement has been embodied in the constitution. That agreement has been relied upon by a large section of the people, that agreement has been ratified by the province itself at various times, that agreement bears the seal of Her

Majesty, but nevertheless he proclaims that because the majority is no more pleased with it, its binding feature is gone. Where should we go with such a doctrine as that? If the majority have a right to get rid of any institution that displeases them without any regard to the existing agreement and the existing laws, then there is no more law, and no security in the land. Why should not the province of Manitoba declare to-morrow that the public lands, for instance, which were vested in the Dominion government by the same agreement, should be no more Dominion lands but provincial lands? If they have a right to ignore the agreement made with respect to education, they have the same right to ignore any other part of the agreement because it was entered into upon the same occasion, upon the same date, between the same parties, between the same 12,000 people and the Dominion. Where, in that doctrine, is the guarantee for all the provinces, for the Dominion, for future generations, in British North America? We are about to take into consideration the advisability of admitting another province into the union. Negotiations to that effect are pending between the Dominion and Newfoundland. What guarantee can we offer to Newfoundland that the terms on which it will be admitted will be in the future respected, if we proclaim that all agreements can be violated without any regard to the form of law, without regard to the constitutional way of realizing any reform that is deemed proper, but on the sole whim of a majority and only because it is the will of a majority that it should be so? What guarantee have we for the existence of confederation itself? When confederation was inaugurated there were only four provinces forming the union Very soon the number of the added provinces will exceed the number of the original provinces. Shall these new provinces be entitled to say to the original provinces that because they were not parties to the original constitutional agreement entered into by the former four provinces, because they are now a majority, they are at liberty to disregard all previous arrangements? Are they at liberty to smash the whole confederation scheme, simply because it is their will and without even seeking their way out to the changes they would like to have brought through the proper and constitutional channel? That doctrine leads to such consequences that it must be said it is unsound, absurd and immoral. There is only one way for Manitoba to be relieved of what some are pleased to call a disability: it is by an amendment to the consitution by the Imperial Parliament. It would be an unwise course for the province to seek for such an amendment, but yet I could not question the right of the majority to ask for it. Until that is done, the old population of Manitoba and the province itself is bound by the constitution, whether it rests on an agreement or a pure legislative enactment. I have gone over that part of the speech of the hon. gentleman rather extensively, but I desire to call the attention of the hon. gentlemen of this House to the fact that our case does not rest exclusively on the agreement referred to by the hon. gentleman. It rests mainly on the legislation of the province after the union. Our first contention was that by practice we had rights at the time of the union. The first judgment of the Privy Council disposed of that, so far as the legal construction of the constitution is concerned. I merely state the fact without criticising the judgment which was rendered on an imperfect understanding of the case. After the point had been decided we raised the second point; this time resting our case mainly on the rights acquired after the union. The recent judgment of the Privy Council has decided that we were right in that contention. I have already quoted the judgment of the Privy Council, so when the hon. gentleman speaks of the original agreement between the 12,000 people of former days and the Dominion, he does not speak exactly to the point. It is not by virtue of this former agreement, that the case comes before Parliament. It is by virtue of the legislation of the province itself, that legislation which was repeatedly enacted by the province, which is the act of the increased population of the province and which has given us certain rights which we are by the constitution entitled to keep. These rights have been acquired by law, and they stand at present on the same footing as do the rights of the minorities in Quebec and in Ontario. In Quebec especially, the rights enjoyed by the minority to-day have been acquired by legislation since confederation, and they are binding now on the majority, which could not alter them to the prejudice of the minority, unless the doctrine propounded by the hon. gentleman from Marquette as to the sweeping power of the majority to do what they please, even

in violation of justice, could get some hold in that province. I wonder whether that doctrine is taught in what are called the national schools. The opponents of our schools are trying to make a good deal of the fact that some of our schools seem to have accepted the new law. I am in a position to say that not a single one of those school districts is in favour of the new system. If left free they will all favour the Catholic school system. Notwithstanding all that has been said about us, so eager are we to give our children the best instruction available that some of our school districts, deprived, as they were, of their legitimate share of the government grant, deprived of the right to levy taxes on their own property for the support of their schools, obliged to pay besides for the maintenance of the so-called national schools, were unable to keep up their own schools. Still they were desirous of not leaving their children without education. Inducements were offered to them by the local government through their officers to attend the schools without entirely sacrificing their views, and they thought they might try the new system. It is not on account of any preference for the public schools but because of their poverty and of the peculiar inducements offered to them. The local government were anxious to have some of our schools brought under the law in order to be able to base an argument upon the change. An inspector was sent to them who told them that if they wanted to keep up their schools the government would not be too exacting about compliance with the regulations. He told them that they might quietly give any religious instruction in the school after school hours. He told them that they could begin and close school work by saying the ordinary Catholic prayers and even suggested how it should be done. Instead of opening the school at a certain hour, they might open some few minutes before, and at the closing they might close a few minutes after the regular hour, so that they might be able to say that there had been no prayer during the school hours. There are forms of report provided by the government. I have been informed by certain parties that the teachers of those schools were advised that if the clause as to religious instruction was embarrassing to their conscience, as this report has to be under oath, they might strike out that clause. It was by such inducements, contrary to the spirit of the law, that those schools, in their poverty, thought they might avail themselves of the opportunity presented to them to get their share of the taxes and of the government grant, and thereby keep up their schools. The changes having been brought about under those circumstances, the opponents of our schools cannot base any solid argument against our contention. It might be said that the local government, being disposed to shut their eyes to the management of these schools, we might be satisfied and let the matter drop. My reply is that there are principles involved which we cannot overlook. Besides, the result would be that it would work well enough for some years and then, after abandoning all our rights, we might wake up some fine morning to find the law applied to us in all its severity and we would be without recourse. We are justified in apprehending this when we bear in mind the doctrine lately advanced in Manitoba and expressed yesterday in this House, that the majority cannot be bound by any previous agreement. Let us look at this assertion about the rallying of certain schools to the new system, in some other way. If we look at the report of the government, we see that some of these schools never received any grant from the government. How can they be said to have been under the law? Is it by the election of trustees? There being no law in force at present in Manitoba except the school act of 1890, if we want to keep up our school organization we must elect trustees as required by law, but this alone cannot be said to be a test. I repeat that all these schools without an exception would gladly return to the Catholic school system if an opportunity were given them to do so, and therefore the argument based upon that falls to the ground. I know personally that some of the schools in Manitoba have never had anything to do with the new law except perhaps to receive taxes from the municipality. They could not receive the taxes unless they, to a certain extent, recognized that they were public schools, but really it is more a matter between the municipalities and the school districts than between the government and the schools themselves. I may add that if to-morrow our rights were restored all those schools would return to the Catholic system. The hon. gentleman has also propounded another strange doctrine, which is but a

repetition of what was urged before the Privy Council when the appeal was argued. It is this : there is a wrong, there is a grievance, there is a right of appeal against that wrong, there is a power to remedy the wrong, but the wrong should continue, no remedy should be applied. I never heard such repudiation of all the principles which underlie the British constitution. It is so glaringly unjust that it seems useless to enter upon an argument to contradict such a theory. One naturally asks what is the use of giving any section of the population a right which cannot have any sanction? What is the use of giving a right of appeal against any injustice if the tribunal to which that appeal is taken has no obligation to adjudicate upon it? It may be a matter of policy says the hon. gentleman from Marquette. There are two axioms which struck my mind when, as a young man, I began to study British institutions. The first is "where there is a wrong there is a remedy;" the second is "honesty is the best policy." That there has been a wrong done us has been decided by the judicial committee of the Privy Council. The judgment goes further and describes the wrong, and, while leaving the application of a remedy to the proper authorities, it suggests that it should be applied, and to what extent. The best policy is for all to accept the judgment and to act accordingly. Any other kind of policy would be a dishonest one and would shatter confidence in our public men and in our institutions. We have the assurance of the government that the agreements entered into by the Dominion will not be violated so long as they remain in power. Let us hope that a majority of the people will support that policy, and that peace and harmony shall be restored. Let all true Canadians unite in doing justice and be instrumental in promoting the welfare of the people and the development of the resources of the country, and in building up a grand, prosperous and intelligent nation and in securing the triumph of justice and genuine liberty.

Hon. M. ARMAND—Honorables messieur,—En débutant dans l'adresse en réponse au discours du trône, je dois une mention honorable à la mémoire de notre illustre leader qui vient de descendre dans la tombe au regret de son pays. Oui, honorables messieurs, s'il est dans la vie des circonstances agréables dont les souvenirs durent longtemps il en est aussi dont les souvenirs semblent être bien plus profondément gravés dans la mémoire. Oui, honorables messieurs, la disparition subite, imprévue, occasionnée par la mort prématurée de Sir John Thompson, arrivée au foyer de l'empire, en est une qui bien certainement vivra longtemps dans notre souvenir. Sir John Thompson fut un de ces hommes humbles, pratiques, laborieux, qui apparaissent de temps en temps, mais rarement, et à de longs intervalles. Quand Sir John Thompson quitta le toit paternel, il emporta avec lui pour tout patrimoine que sa plume derrière l'oreille ; depuis il a démontré à l'évidence, à la jeunesse intelligente et laborieuse de son pays toute la véracité de cette parole qui dit qu'il faut vouloir pour pouvoir. Oui, Sir John Thompson a démontré à ses compatriotes que l'on peut toujours acquérir l'honneur, la gloire et la fortune, que l'on peut toujours graviter l'échelle sociale, quant à la fortune il n'a pas pu l'accumuler, mais des personnes sympathiques, philanthropiques ont fait pour sa veuve et ses enfants ce que le temps ne lui a pas permis de faire, mais il a laissé ce que les anciens désiraient laisser *bona fide*. Je n'en dirai pas davantage, ses actions sont là. L'histoire de sa vie sera un miroir dans lequel la jeunesse laborieuse viendra étudier, méditer pour faire ce qu'il a fait.

Honorables messieurs, relativement aux écoles séparées du Nord-Ouest nous devons féliciter, remercier les présents ministres du gouvernement pour la détermination ferme et sincère de faire exécuter le jugement du Conseil privé de notre auguste et gracieuse, de notre bien aimée souveraine l'Impératrice des Indes, celle qui préside si dignement aux destinées d'Albion.

Moi, pour un, parmi mes coreligionnaires je suis heureux de voir que les nobles Anglais, les braves Écossais, les enfants de la belle et verte Erin comprennent que le Dieu qu'ils adorent est le même que celui que nous adorons, avec cette différence que leur manière de l'adorer n'est pas la nôtre. Je suis aussi heureux de voir qu'ils comprennent que nos intérêts sont les mêmes. Oui, les intérêts sont les mêmes puisque nous sommes tous appelés à respirer le même air, à nous abreuver de la même eau, à nous nourrir des aliments du même sol.

Je sais que dans certaines questions de détails il peut et il doit y avoir divers genres d'opinion, mais jamais divers genres

d'opinion tels que nous ne puissions pas nous entredonner la main, aller bras dessus bras dessous, en mettant ce qu'on appelle, un peu d'eau dans son vin. S'il en était pas ainsi c'est qu'il n'y aurait pas dans un des partis une étincelle de ce patriotisme épuré qui brilla dans ces ancies citoyens d'Athènes, de Rome et de Carthage.

Honorables messieurs, quand le gouvernement sera appelé à renouer des traités de commerce, soit avec nos intelligents et industrieux voisins, ou chez les nations éloignées, connaissant que le gouvernement comprend que les jeunes pays ont besoin d'une légère protection s'il ne veulent pas voir encombrer leurs marchés, paralyser, si je puis m'exprimer ainsi leur agriculture, leurs industries nouvelles par le surplus des produits étrangers.

Si les gouvernements sont fidèles à maintenir cette légère protection, les populations de nos différentes provinces de notre beau pays qui vient en étendue immédiatement après celui de la Russie pourront croître et grandir en traversant les âges et en s'avançant dans la postérité.

Hon. Mr. FERGUSON moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

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## THE SENATE.

*Ottawa, Friday, 26th April, 1895.*

THE SPEAKER took the Chair at three o'clock.

Prayer and routine proceedings.

## THE ADDRESS.

DEBATE CONCLUDED.

The Order of the Day having been called—

Resuming the further adjourned Debate on the consideration of His Excellency the Governor General's Speech, on the opening of the Fifth Session of the Seventh Parliament.

Hon. Mr. FERGUSON said: An hon. gentleman in the Opposition, at an early stage of this debate, complained that the speech from the Throne was a very meagre bill of fare. The experience of the last few days must have convinced this hon. House, that if the speech itself was meagre it has nevertheless given rise to a very interesting discussion. My hon. friend the leader of the opposition made a long and interesting speech upon the subjects referred to in the speech from the Throne, and I am a little surprised to find him evincing what I might call very destructive tendencies. We usually look upon him as a very mild and courteous gentleman, and it is rather surprising to hear him condemning, not the government or its policy, but the party with which he is himself associated and the policy of that party. He expressed himself as being strongly opposed to what has been regarded in the past as the leading plank in the platform of the Liberal party—that is provincial rights. Notwithstanding the fact of that policy being put so prominently before the Parliament and the people of Canada for a great many years by the Liberal party, we find the leader of the opposition in this House setting himself up against it.

Hon. Mr. SCOTT—I did not.

Hon. Mr. FERGUSON—The hon. gentleman will hardly contradict me when I proceed to show that he argued that it was the duty of the federal government to disallow the Manitoba School Act.

Hon. Mr. SCOTT—Hear, hear. That was not a question of provincial rights at all.

Hon. Mr. FERGUSON—The hon. gentleman's colleagues in the other House in other days thought that it did involve a very important principle of provincial rights. The disallowance of provincial legislation has been the ground on which the battle of provincial rights has always been fought, and yet we have the leader of the opposition in this House finding fault with the government because they did not disallow the Manitoba School Act in place of sending it to the courts to be settled in a judicial way.

Hon. Mr. SCOTT—It is not settled yet.

Hon. Mr. FERGUSON—It is settled as far as the courts are concerned—at all events it has received a judicial solution, and the hon. gentleman has set himself up as against any such course as that.

Hon. Mr. SCOTT—The courts have done nothing really.

Hon. Mr. FERGUSON—As against that opinion of the hon. gentleman, I will set up a number of facts showing that the courts have done something. There have been references to the courts—there have been two decisions of the courts, and a final decision on which the remedial order was issued the other day. Then the hon. member set himself up again in a destructive mood against the Liberal party of Manitoba, which passed the Manitoba School Act of 1890. He agreed with everything that had been said by the hon. leader of this House in condemnation of the passing that act by the Manitoba Legislature.

Hon. Mr. SCOTT—That is correct.

Hon. Mr. FERGUSON—And I am glad to see he does not go back on that statement in the slightest respect.

Hon. Mr. SCOTT—I never did.

Hon. Mr. FERGUSON—And he says, further that he never did and that he is quite opposed to the action of the Liberal party in Manitoba.

Hon. Mr. ARMAND—Hear, hear.

Hon. Mr. FERGUSON—My hon. friend the senior member from Halifax took occasion to remark in the course of his speech that the Conservative party in Manitoba were also identified with the Liberal party in the passage of the Manitoba School Act. As against that I will read an extract from an address of Archbishop Taché upon the question. He says on page 36 of the pamphlet :

> Mr. Prendergast placed himself in the foremost position, being endowed with a superior order of literary, historical, political and social knowledge. Nothing was neglected to defend the Catholics. The five Protestant members of the Opposition joined them in the very heart of the battle, but numbers, that ultimate resource of constitutional regime, crushed every effort.

The same statement regarding the attitude of the Conservatives in Manitoba was repeatedly made in the late contest in Antigonish. It was stated there by the Liberal speakers that the Conservative party had assisted in passing the Manitoba School Act of 1890. It was a misrepresentation but, nevertheless, it was made and repeated many times in that contest. It was made in my own presence on more than one occasion. Now, my hon. friend the leader of the opposition in this House has also attacked the Toronto *Globe*, or agreed with my hon. friend the leader of the House in condemning the action of the Toronto *Globe*, which is the leading organ of the Reform party in Canada.

Hon. Mr. SCOTT—The *Globe* is an independent paper.

Hon. Mr. FERGUSON—My hon. friend disowns the *Globe*. Next I will have my hon. friend disowning everything connected with the Liberal party in the country. He disowns the Toronto *Globe* and condemns its attitude, and now he asks that the Toronto *Globe* shall not be considered the organ of the Liberal party at all.

Hon. Mr. SCOTT—It is not so far as I am concerned.

Hon. Mr. FERGUSON—Then, my hon. friend was still in a destructive mood when he found fault with the policy of Sir Oliver Mowat's administration in Ontario in giving iron bounties.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—I have not the Debates here, but he disclaimed that action altogether—found serious fault with it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—"A piece of folly" I think the words were, as to Sir Oliver Mowat's granting iron bounties in Ontario. But he has not done yet. He condemns the Hon. Edward Blake for having moved a resolution in Parliament providing for the submission of educational difficulties to the courts.

Hon. Mr. SCOTT—No, I did not condemn.

Hon. Mr. FERGUSON—It sounded very much like it.

Hon. Mr. SCOTT—The hon. gentleman is usually fair. I do not think he should put in my mouth words that I did not utter. I said, that in the light of past events for the last five years, there might be a doubt whether Mr. Blake had not made a mistake.

Hon. Mr. FERGUSON—I am very much obliged to my hon. friend for having made the matter so clear to the House, that he is

not altogether prepared to go back on the action, but he thinks a mistake was made, and I do not know that that makes it any better.

Hon. Mr. SCOTT—In the light of five years' experience.

Hon. Mr. FERGUSON—I have pointed out that the hon. gentleman, in the course of an hour's speech, expressed himself on a great many questions, at variance with the policy of the Liberal party, of which he is the leader in this House. For a speech of an hour, that appears to me to be a pretty good record. My hon. friend the senior member for Halifax, referring to the French treaty, expressed himself of the opinion that that treaty was a free trade measure and he asked why the government did not go further and adopt free trade all round. I am sure that my hon. friend is clear-headed enough to know that if the government adopted free trade all round, they would not be able to make very many reciprocity treaties with other countries. The hon. gentleman must know very well that free trade and reciprocity are perfectly incompatible. A country that adopts a free trade policy can make no reciprocity treaty; it has no basis to go on, and it is only a country that has a policy such as we have, which can make a reciprocity treaty with any country. I have here a pamplet issued by the Cobden Club of England, which is headed "The Reciprocity craze." It denounces the idea of Great Britain negotiating reciprocity treaties as a craze, regarding it as perfectly incompatible with free trade doctrines.

With regard to the Manitoba school question which is alluded to in the address, and very much discussed by gentlemen who have preceded me, I wish to say a few words before I pass on to a discussion of some other matters. In the first place I wish to point out that it is not a question between Catholics and Protestants at all and should not be so regarded. When the Manitoba Constitutional Act was passed the Protestants were a minority in Manitoba and the Catholics had a small majority. The provision in the British North America Act, as found in subsection 3 of section 93 was not placed there in the interest of the Catholics at all, but, as I understand from my reading of political history, in the interest of the Protestant minority in the province of Quebec. Now, having these facts in mind, we should approach the question without any regard whatever to its creed aspect, because Protestants are a minority in the province of Quebec, and if the rights of the Catholic minority in Manitoba are encroached upon or invaded by the majority, the same or similar rights enjoyed by the Protestant minority in Quebec might be encroached upon some day. Therefore, it is in the interest of all creeds and all classes to approach this question with a sense of what is right, altogether irrespective of whether Catholics or Protestants are affected in the case which is now engaging the public attention Neither is this a question as to whether secular or denominational schools are the best for Canada or any part of Canada. That question very properly came up and, no doubt, to some extent was considered when the Manitoba Constitutional Act was considered. That was the time for the framers of that act to have considered the question as to whether denominational or secular schools were best or those that should be provided for the province of Manitoba. But, at the present time and in the present state of the question, that aspect of it does not come up for discussion. And it is not a question now as to whether the schools established under the Manitoba School Act of 1890 are Protestant schools or secular schools. The leader of the Liberal party in the other House, in many speeches which he has delivered throughout the country during the last three or four years, seems to think it a very important question as to whether the schools that have been brought into existence under the Act of 1890 in the province of Manitoba, are Protestant schools or secular schools, and the hon. gentleman appeared to think (if I could draw any inference from his references to that subject), that if they were secular schools, then there remained nothing upon which the public mind should be disturbed at all. Now, I do not think that that reaches the question. It is not important or material to the controversy whether they are secular or Protestant schools. The hon. gentleman knows that they are not the schools that were guaranteed to the minority under the Manitoba Act of 1870. Nor do I think that it is a question of very great importance to this discussion, whether the separate schools which existed

in Manitoba before 1890 were efficient or otherwise. A great deal of stress has been laid by a member of the Manitoba government—who has been addressing meetings in this part of the Dominion recently, and by a leading exponent of the opposition to the minority in Manitoba in the House of Commons—on what they claim to be the fact that the separate schools existing under the laws of Manitoba before 1890 were very inefficient, I do not think that comes in appropriately, because if these schools were inefficient, the fault lay with the legislature of Manitoba. On them devolved the duty of making the Roman Catholic schools as efficient as the public schools of the province. If there was anything wrong with the management of these schools, the provincial authorities had the power to improve the management and make the school efficient. I would say further that there is not now a question before the country as to whether the minority has a grievance or not. That has been settled by the Judicial Committee of the Privy Council They have decided that the minority has a grievance, and that point need not be discussed at any great length. The hon. gentleman from Marquette seems to be of the opinion that that grievance only exists to a modified extent—that there is a portion of the territory now embraced in the province of Manitoba in which there exists no grievance. The hon. gentleman's contention in this respect was very well met by the argument of the hon. gentleman from St. Boniface, and when my hon. friend from Marquette looks into it closely, as no doubt he will, he must see that there is very little in that point. The province of Manitoba, having certain limits, became a province with a constitution. It enlarged its boundaries with the consent of this Parliament and of the portions of territory that were brought in, and as soon as the boundaries were enlarged, the added territory came under the laws of the old province of Manitoba in every respect, and the Separate School Act applied there as well as it did in the old province. Therefore, under the 93rd section of the British North America Act, that part is in precisely the same position, with respect to education, as the older part of Manitoba. Without wishing to indulge in any levity, I might be allowed to illustrate it in this way. The hon. gentleman from Marquette, like most other men, came into this world without a beard. Since then, he has grown a beard, and although his, like my own, is becoming a little gray, it is part of himself, and he cannot disown it.

Hon. Mr. BOULTON—Unless you cut it off.

Hon. Mr. FERGUSON—Then it would grow again as long as the hon. gentleman continued to possess vitality. I may say further that there is not now, as far as I can see, any question before the Senate or before the country as to whether this Parliament has power to apply a remedy if the legislature of Manitoba does not. The decision of the Judicial Committee of the Privy Council settles that; it declares that this Parliament has power to apply a remedy and the question, therefore, is narrowed down, and there is not that field for discussion that there has been in former sessions in this House. The question now is shall the remedy come from Manitoba or from the Parliament at Ottawa—that is the real question. It rests in the first place with Manitoba itself. If the legislature of that province fails to find a remedy for the grievance which has been decided to be in existence, it will be equivalent to an abnegation of its functions, and on the Manitoba legislature will devolve the responsibility of any action that the Parliament of Canada may find it necessary to take to remedy the grievance admitted to be in existence. An hon. gentleman who has taken a very great deal of interest in this question, although I think from a wrong point of view, in addressing the House of Commons the other day, took the ground that the legislature of Manitoba had to obey the remedial order to its fullest extent or had to refuse to do anything—that there was no alternative. I think there is no necessity to discuss that question now; it is for the legislature of Manitoba to declare what they will do, and if they make an effort to provide what they conceive to be a remedy, it will be for this Parliament to consider whether that remedy is sufficient or otherwise. I do not think that the remedial order has any such effect as that the legislature of Manitoba must accept it in its entirety or do nothing. The political aspect of the question comes in at this stage. My hon. friend from Halifax, in discussing it the other day, seemed to

minimize the action of the Government in regard to passing that remedial order. He thought that there was no other course open to them, but simply to act as a bailiff would do in carrying out the instructions of the court. Another gentleman, Mr. Dalton McCarthy, speaking elsewhere takes a very different ground from that. He says that the government of the Dominion was perfectly free to have refused to do anything, and should have done nothing notwithstanding the decision of the Privy Council in the matter—but of course they would have to assume the responsibility of their inaction. These are very conflicting views coming from two gentlemen who agree so well that the government should be condemned. I think I can notice the political aspect of the question coming out on both sides. The hon. gentleman who leads the opposition to the remedial order wishes to make it appear in some parts of this country that the order is something that the government went rather out of their way to make, while my hon. friend the senior member from Halifax, speaking for another part of the population and for another class of constituencies, says that the government were only carrying out the mandate of the court, just as a bailiff who serves a writ in accordance with the decision of a judge. The question may be asked, how does the government stand? I think it is scarcely necessary to answer that question. We have had the statement of the premier of Canada, in this House who has explicitly declared the position of the government in regard to this matter at its present stage. The action of the government from first to last is now a matter of history—the reference to the courts, the decision of the Judicial Committee of the Privy Council, the hearing of the appeal by the Privy Council of Canada the decision upon it, and the passage of the remedial order followed by declarations by members of the government including the premier himself in this House and before the country. There is no mistake as to the attitude of the government, but let me ask where do the opposition stand? It is true the leader of the opposition in this House, if I have understood his speech correctly, believes that the government has done right in passing the remedial order. I have not understood the hon. gentleman as criticising or finding fault with the government for doing that, but we must look to the leader of the party in the House of Commons, who is the recognized leader of the Liberal party all over Canada, for some expression of opinion that will be held in some way to bind his followers. I ask what is the attitude and position of that hon. gentleman in regard to this question. We have recently had four by-elections in three different provinces of this Dominion—one in Antigonish, N.S., two in the province of Quebec and one in Ontario. In two constituencies there were no recognized Liberal candidates, although in Haldimand the opponent of the government candidate was actively supported by Liberals. But there were Liberal candidates in Antigonish and Verchères, and I have yet to hear that the leader of the party or any leading Liberal made a declaration on this question in any way whatever in connection with either of those elections. When the Judicial Committee of the Privy Council gave its decision and the government of Canada acted on that decision, it was due to the Liberal party and to the people of Canada of all parties and classes that the Liberal leaders, especially Mr. Laurier, should have been heard from. I would have excused Mr. Laurier had he delegated to some of his lieutenants the duty of speaking on the trade question, because he and his party are on record upon that subject. They have indeed put themselves perhaps a little too much on record on the trade question, but with regard to the Manitoba school question it was an extraordinary thing that the leader of the party, Mr. Laurier, and the leader in the maritime provinces, Mr. Davies—because they have a divided leadership—should have avoided these contests and failed to explain their attitude. I do not know why these hon. gentlemen have avoided the question, but their failure to declare their views has enabled their friends in these different constituencies to assume a great variety of attitudes in dealing with the subject, and to make very conflicting statements at different meetings suitable to the complexion of the several localities. I should be sorry to say that the leader of the opposition kept out of the contest to enable his followers to take conflicting courses, but I do say, and I think I will be sustained by the hon. gentlemen on both sides of this House, that it was the duty of the leader of the opposition to have taken a part in these contests, at all events to have placed himself on record on this question.

Hon. Mr. POWER—It is only since the elections have been held and since Parliament has met that the government have in any way put themselves on record as to what they would do if Manitoba refused to obey the remedial order.

Hon. Mr. FERGUSON—Does the hon. gentleman say that the government has not placed itself on record ?

Hon. Mr. POWER—Until the leader of the House spoke in this House the other day.

Hon. Mr. FERGUSON—I read a speech delivered in the county of Haldimand by Mr. Montague himself, which put the government on record in almost the same language as the premier used in this House the other day.

Hon. Mr. POWER—By no means.

Hon. Mr. FERGUSON—The government put itself on record by its action and again by passing the remedial order, and there were explicit declarations made by Mr. Montague in Haldimand, by Mr. Ouimet in Verchères, and by Sir Hibbert Tupper and myself in Antigonish, as to the stand of the government on this Manitoba school question. Explicit statements were made in all of those constituencies.

Hon. Mr. POWER—Perhaps the hon. gentleman would be good enough to quote the explicit statements made by Mr. Montague in Haldimand.

Hon. Mr. FERGUSON—I have not got it at my hand, but I remember reading it in a report of Mr. Montague's speech which I think was published in the *Mail and Empire*. In that speech he expresses himself almost to the same effect as the leader of this House did the other day—to the effect that the government had passed this remedial order and would do its duty when the time came.

Hon. Mr. POWER—What its duty was is the question.

Hon. Mr. FERGUSON—The remedial order, however, was a sufficient declaration. The hon. member from North Simcoe, in the House of Commons, does not fail to find, nor do his friends and supporters fail to find in that remedial order something which they say has put the government on record very decidedly. The attitude of the Liberal leaders on this question reminds me very much of boys going to rob a hen roost. The leader secretes himself in the bush and sends his companions to steal the chickens, because it would never do for him to appear in the matter, but as soon as his friends come out with the plunder the boy in the bush has a share of it. That is the way the Liberals have acted in these elections. Mr. Laurier and his associates have remained under cover until the contests were over and they will have no hesitation in reaping any political capital they can from the result of the action of Mr. McCarthy and their other friends. Now I have looked carefully over all the speeches that I could lay my hands on delivered by the hon. Mr. Laurier on this Manitoba schools question, and there are two or three statements, at different times since this question has come up which, serve to show how his opinions have run, since 1893. In 1893 he said in Parliament :—

> If the statement is founded on fact which is made by His Grace Archbishop Taché, and which is repeated in all the petitions coming from the Roman Catholics of Manitoba, that under the guise of public schools, Protestant schools are being continued, and that Roman Catholic children are forced under that law to attend what are in reality Protestant schools ; I say this—and let my words be heard by friend and foe, let them be published in the press, throughout the length and breath of the land—that the strongest case has been made for interference by this government. If that statement be true, though my political life be ended for ever, what I said now I shall be prepared to repeat, and would repeat on every platform in Ontario, every platform in Manitoba, nay every Orange lodge throughout the land, that the Roman Catholic minority has been subjected to a most infamous tyranny.

I am not aware that the hon. gentleman is entitled to admission to the Orange lodges throughout the land to give his views there, but he says he is bold and brave and prepared to repeat the opinion in every Orange lodge throughout the land that the Catholics have been subject to tyranny. There is, however, an "if" in every part of this. If Archbishop Taché and the others who have signed the petition are telling the truth, and if the schools which have been established are really Protestant schools, he is prepared to take this bold action; but he says further :

> I would not hesitate, if the statement is true, to go ahead and plead the case of the Catholics in

Winnipeg with the government of Mr. Greenway himself, because, if there is such an outrageous state of things existing in the province of Manitoba, not a moment should be lost in coming to the rescue of the oppressed minority.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—That was three years after the Manitoba School Act was passed, and perhaps it might be excusable for the hon. gentleman not having in those three years been able to discover this fact—which I do not think is an important fact at all—as to whether these were Protestant or Catholic schools. Notwithstanding he thought a moment's time should not be lost in getting a remedy. Now, we find the hon. gentleman putting himself again on record in 1893, at a Liberal convention held in Ottawa, and I shall read everything he said about the Manitoba school question in that convention :

Now it is my duty to refer to another question which is an irritating subject, because it touches questions of creed and race, I refer to the Manitoba school question. I have received several communications urging me to take a course upon that question. Different persons in the different provinces have asked me to take opposite courses. To them, I have given no answer.

I hope I will be excused when I say that this explanation of his having been asked by friends in one part of the country to take one kind of action, and by friends in another part of the country to take another action, and that he has given no answer, reminds me of the story of Buridan's ass who was placed midway between two bundles of hay and before he could make up his mind which bundle to feed from he died of starvation. So the leader of the Liberal party finds himself in this position; he is implored by people from one province to take one side, and implored by another class of people to take another side, and to each of them he gives no answer.

I give it now, he says. I wish the question were in any another condition.

The complaint the hon. gentleman was making was that the government had tied the matter up by sending it to the courts, but he wished it was relieved from this conditi n, so that it could be fully and freely discussed.

Those of you who follow political events know that Mr. Tarte on the one hand and Mr. Dalton McCarthy on the other, agreed that the government were a pack of cowards—that they did not deal with that subject in a manly way. For my part, I speak in the same sense.

They were all happily agreed on that point.

And I now say that the government acted in a cowardly way and did not dare to speak either one way or the other. It was there bounden duty to say one thing or the other. But instead of acting like men of courage they allowed passion to be inflamed in Manitoba and Quebec, and never dared to stand up like men and put an issue of the question. They are to be blamed for this. They shunted the question to the courts where it is now. The opposition are not in a position to take any action until such time as a report has been given by the courts.

Here the government were a pack of cowards because they did not discuss it when it was before the courts, and he turns round and says the opposition were not in a position to say anything upon it until such time as a decision was given by the courts. He adds :—

And until the courts have decided whether or not the government have no right to interfere. Then it will be time for us to say we will act or not.

At all events, we learn from this that the hon. gentleman was not then prepared to speak. He had been pressed by his friends from different parts of the country, holding conflicting views, to take one side or the other and he gave no answer, and he condemned the government because they did not do anything, and then says the opposition could not do anything until the question came out of the courts. Now, the hon. member has spoken again on this question. I might quote from a speech which he made in Winnipeg, in which he substantially repeats what he said in April, 1893. In Winnipeg, on the 3rd September, 1894, he declared that he is a firm believer in provincial rights. I must quote his exact words in order that there may be no misapprehension about it. It was on this very question that he was speaking when he declared in this way that he was a firm believer in provincial rights, although my hon. friend does not seem to think that provincial rights are at all involved in this question. He says.

I am a firm believer in provincial rights. In the Dominion House of Commons I have stood up for the authority of the provinces. When I took up the petition of my fellow-religionists of Manitoba, complaining of the legislation of the government of Manitoba, I asked myself, what is the complaint ? * * * I took up the petition of the Archbishop and of those who signed it with

him, and the complaint which was made was that the government of Manitoba—I speak here in the presence of the members of the government—had adopted legislation which, instead of improving public schools in the country, imposed upon them Protestant schools, and that they were bound to send their children to Protestant schools. In the other, the government of Manitoba denied the statements *in toto*.

Here was the contradiction again, the same as in the House of Commons, and the question seemed to turn in his mind on whether the schools established under the Act of 1890 were Protestant schools or secular schools.

Hon. Mr. O'DONOHOE—Is the right in question here not a Canadian right rather than a provincial right?

Hon. Mr. ANGERS—A Dominion right.

Hon. Mr. FERGUSON—I understand my hon. friend to say it is not a provincial right but a Canadian right.

Hon. Mr. O'DONOHOE—Yes.

Hon. Mr. FERGUSON—Mr. Laurier seems to be of a different opinion, because he qualifies all he says on the subject by saying he is a firm believer in provincial rights.

Hon. Mr. O'DONOHOE—He may be an advocate of provincial rights and make that announcement, but the right under discussion is not a provincial right.

Hon. Mr. FERGUSON—I do not know how my hon. friend may view it, but I am speaking of how it was viewed by the Hon. Mr. Laurier. I am dealing entirely with the opinions expressed by the Hon. Mr. Laurier, and he says he is a firm believer in provincial rights; and I was going to read a little further:

> I said to the government of the Dominion here is a simple question of fact, you have to determine whether the statements are true or not. But instead of doing that, they went on appealing to the courts and evading the question.

Mr. Laurier put it on the question of the provincial rights and it pervades the whole of his remarks, and he does not fail to characterize how great the outrage would be in his mind if the minority were forced to attend Protestant schools. He does not hesitate to say how great he would regard the outrage; but, does he say that this Parliament should come in and interfere. Nothing of the kind. He says:

> I will be prepared to go before the people of Manitoba and tell them such legislation should not stand. I have nothing more to say in Winnipeg than I have said on the floor of Parliament, in Quebec and elsewhere.

The remedy of Mr. Laurier was not a remedy such as the Judicial Committee of the Privy Council have decided it is proper to give, but he started out by declaring that he was in favour of provincial rights, and the fair meaning of his language was that he would not pass any law, but he would go personally and use all the influence he possessed with the people of Manitoba and the legislature of Manitoba, his political friends. I hope the hon. gentleman is doing that, and that he his using his influence with them in this matter. At all events, I say he is not, by the public attitude he is taking, helping in any way towards a fair solution of this difficulty.

Hon. Mr. BOULTON—I would ask the hon. gentleman if the minority have been forced to attend Protestant schools?

Hon. Mr. FERGUSON—I do not think that is a question which affects the discussion at all. The schools that were guaranteed to the minority were separate schools, and it is well known that our Roman Catholic friends entertain objections to secular schools as well as Protestant schools, and Mr. Laurier was beating about the bush, and the difficulty does not lie in the place where he was putting it. It lay in another point altogether. In speaking in the House of Commons the other day, the hon. gentleman has put himself on record again on this question:

> But I have only this to say and to repeat that I have no desire to create political capital out of this question. I have no desire to get into power through it, if the government solve it as they should, but I am not ready to offer advice to the advisers of His Excellency. I shall wait until they bring in their message.

Now, from the extracts I have already read, it will be found that, up to the time that the government passed the remedial order and up to the time that the decision of the Privy Council was rendered, the hon. gentleman, as leader of the party, declared that the government treated him very badly, treated his friends badly because they had tied this question up in the courts and prevented them from taking a manly and courageous stand

which they were so extremely anxious to take on the question before the country. That horrid Tory government of Canada that had sent this question to the courts had prevented the Liberal party from taking up the question and discussing it, but we had the decision of the Privy Council rendered some time in January last. We have had the remedial order passed for more than a month and we have had several by-elections. Parliament has met and the people are busy discussing the question, but still the leader of the Liberal party is hiding in his cave, holding himself in readiness to take advantage of any complication that may arise and make political capital out of it, notwithstanding his declaration that that is not his wish. Perhaps I have said enough on the Manitoba school question. My hon. friend from Halifax, speaking the other day, said that the electors of Antigonish did not render their verdict in the recent by-election on the Manitoba school question but upon the fiscal policy of the government.

Hon. Mr. POWER—I do not think I suggested that.

Hon. Mr. FERGUSON (P.E.I.)—I think those were his words, if not I would like to know what the hon. gentleman did say. "The electors of Antigonish decided that election on the fiscal policy of the country," those were his words I think. Well, perhaps to some extent they did so, but the government did not shirk discussion on the fiscal policy. A very large part of the discussion was devoted to the trade policy. In fact, so far as the members of the government and their friends were concerned fully as much time was given to the trade question as to any other. At the same time, I do not think it is altogether right to say that the electors of the constituency gave their verdict altogether upon the trade question. Having been there myself, and having attended some of the meetings where I heard speeches by members of the Liberal party, I know I am right when I say that the opposition candidate and the opposition speakers went beyond the government in regard to the Manitoba school question. They said that the Government had not gone far enough and that the remedial order was only so much waste paper, because it did not set forth a day and intimate to the Manitoba government in plain terms that if they did not by that day restore the separate schools to the province the federal parliament would intervene. The opposition speakers found serious fault with the government because they did not threaten in that order what they would do in the case of inaction on the part of the province and name a day when they would do it. So far, therefore, from giving an adverse vote to the policy of the government, in so far as the passage of the remedial order is concerned, the electors may be said not only to have endorsed it, but to have gone beyond it from the fact that the opposition speakers went further than the government in promising to take a strong course on the question.

Hon. Mr. POWER—They saw you and went you a little better.

Hon. Mr. FERGUSON (P.E.I.)—Perhaps that is about the way to put it. My hon. friend admits that the opposition went one better than the government.

Hon. Mr. POWER—Excuse me—the hon. gentleman is fond of talking about what other people say. I simply say after hearing the hon. gentleman's story that it appears now that the opposition speakers saw the hon. gentleman and went a little better.

Hon. Mr. FERGUSON (P.E.I.)—I think I have made it clear that they did go one better. They went a good deal better, and that may account to some extent for the vote given to Mr. McIsaac. I know that the speakers on the Opposition side denounced and condemned the Government for having trifled with the question, claiming that the remedial order did not meet the requirements of the case. There is no doubt, however, that the fiscal policy of the government was discussed very fully in the contest, and that the opposition candidate in that contest assured the people that if they supported him and the Liberal party were returned to power they would be able to buy kerosene oil at three or four cents a gallon. The statement which I refer to was made I was told in meetings throughout the county by the Liberal candidate himself. Now I have in my possession quotations showing that the whole sale price of kerosene oil in New York and Boston at the present time is about twelve cents a gallon, to say nothing of the duty or the cost of importation. This dis-

scussion has turned to a very considerable extent on the trade question, and my hon. friend from Marquette—I am sorry to see that he is not in his place—has discussed the theory of free trade very fully and at great length in this debate. I may be permitted to say that in my opinion in discussing fiscal questions in Canada, we have very little to do with the abstract theories relating to free trade or protection. We do not advocate protection as an abstract theory and insist that it shall be maintained in all ages or in all countries alike. We do not pretend anything of the kind. That has never been the view of the Liberal-Conservative party, and when I heard the hon. Senator from Marquette speaking at great length and with great eloquence upon the benefits of free trade, discussing the question from a theoretical standpoint, I think it was altogether beside the mark. If theories were to prevail entirely, there would be very little need of Parliament; theories could be ground out by the universities, and there would be very little need of the adoption of fiscal policies by Parliament. As opposed to that view which permeated the speech of my hon. friend in favour of the abstract theory of free trade as against that of protection, I set up this statement, that the framing of a fiscal policy for a country like Canada, which would suit the country at the time it was framed, is a great effort of statesmanship. It is one of the most important, if not the most important, matter which the Parliament of a country has to deal with. From 1873 to 1878, during the time when my hon. friend the leader of the opposition occupied a position in the government of Canada, we find that new conditions had arisen with regard to the industries of the country. Many will say "why were your party not protectionists before that; they were free traders before that." I admit that many of them were, but the reason of that is to be found in the fact that about that time new conditions began to come into existence on this continent which had never been observed before. About 30 years ago, in 1865, the United States civil war came to a close, and large numbers of men returned from the battle-fields, north and south, to their former peaceful pursuits. A vast proportion of the population which had up to that time been engaged in preparing supplies for the army, and in meeting other contingencies arising from a state of civil war, returned to peaceful avocations, and the United States was compelled to adopt an extremely high tariff, not merely for purposes of protection, but to meet the extraordinary interest charge upon the war debt which they had to assume. This high tariff brought about an unprecedented development of American industries. By the high prices which labour produced, immigrants were drawn to the country in larger numbers than ever before, and in a few years the industrial life of the nation was quickened to an extent which had never been anticipated. That went on until during the seventies the United States found themselves producing more than they could possibly consume, and they commenced to look about them for customers to buy their surplus products. Canada at the time had a low tariff, and her industries were still in the infant stage; it was thus easy for the Americans to dump into Canada such of their products as they did not consume themselves. We all know what the result was. Many, perhaps, might say it was a very good thing for the country, but I think it has been clearly proved that that was not the result. As time went on the Americans resorted to many methods of discrimination. In the matter of sugar they went so far as to grant a rebate on exportations which was actually larger than the duty on imported sugar, and their sugar thus came into Canada displacing that produced by our own refineries. Our sugar industries were ruined, and other industries also suffered. It was during this time that the question of the trade policy of the country forced itself upon our public men. There had not existed up to that time such conditions as were then to be found, and in my opinion that is where the leader of the Liberal party and his friends missed their opportunity. They were then at the head of affairs and had the first choice of policies. Had they been equal to the occasion and furnished to the industries of Canada some measure of protection, they might not have been in opposition as they have been for the past seventeen or eighteen years. The Conservative party, led by the greatest man we have had in this Dominion, and perhaps on this continent, during the past fifty years, Sir John Macdonald, was not slow to grasp the situation. Sir John Macdonald listened to the cry that went up from the farming, manufacturing and other interests of the country, and adopted the

National Policy. We often hear about the proverbial "fly on the wheel," as depicting the attitude of Sir Richard Cartwright in 1878. I think he furnished the proverb himself, but, to my mind, the helpless position of Sir Richard Cartwright and his friends remind me more of the simpleton in the fable who came to a river whose waters were deep and swift, and instead of trying to ford it or cross it in some way, he lay down on the banks and waited until the water should all flow away. That is what the Liberal party did in 1878 with regard to the trade question. They adopted a policy of inaction until the Conservative party came into power. Some hon. gentlemen are very fond of stating that this country has not prospered under the National Policy, and, with singularly bad memories, they very often assert that in 1878 the country was fairly prosperous, and that from that time forward the country had been going from bad to worse under the operation of the National Policy. I will take the opportunity of reading from the last budget speech made by Sir Richard Cartwright in the House of Commons in 1878. He said :

It is not often in the commercial history of any country that we are called on to chronicle so great a reduction, not merely in the total volume of our trade, but also in the revenue derived therefrom, as we have seen within the last two or three years, * * * * The total revenue of trade and commerce of Canada has, in that short interval, been reduced by nearly $50,000,000, while the revenue derived from customs alone, shows a decrease in that period of something like $3,000,000. The actual figures in round numbers being that our trade and commerce collectively has been reduced from $218,000,009 to $168,000,000 * * * Whereas a few years ago with a total population of 3,600,000 souls, we imported something like $127,000,000 worth of goods, we found ourselves with a population of 4,000,000, importing a little over $94,000,000 worth. In other words the total imports have fallen off from an average of $35.25 per head to something like $23.50 per head. There has been an enormous shrinkage in the lumber trade from $28,000,000 to $13,000,000. There has been a great shrinkage in bank stock and some of these institutions have gone down altogether. The depression in real estate has been general and long prevailing and entails an enormous loss. Our exports have fallen off because we have been poor that we have not been buying much.

This is not any picture of mine or drawn by any Conservative, but an extract from the Budget speech delivered by Sir Richard Cartwright in the House of Commons in 1878. My hon. friend the senior member from Halifax, speaking the other day, deplored the condition of the farmers of the country, and he referred to the census which, I think he said, showed that we had 120,000 less farmers in Canada than at the time of the adoption of the National Policy. I have heard the statement made repeatedly, that the census returns show a decrease in the farming population, and a considerable increase in the cities of Canada.

Hon. Mr. POWER—I think the falling off in the number of farmers was 7,000.

Hon. Mr. FERGUSON—That was what I found myself, and I was surprised when the figures were given as 120,000. My hon. friend seems to think that that is a very deplorable state of things as regards the farmers. I speak as a farmer myself on this subject, and to my mind the fact that the hon. gentleman states, does not convey that lesson at all. I look upon it that every farmer added to the population of the country becomes a competitor with his brother farmers, but every man, woman and child who is added to a city becomes a customer of the farmer, and it is in the interests of the farmers themselves that the population of the cities should increase. The fact that the hon. member quotes, so far from being against the farmers, is in their interest.

Hon. Mr. POWER—Then why does the hon. gentleman spend money to encourage the immigration of farmers into this country ?

Hon. Mr. FERGUSON—There will be plenty of moving backwards and forwards. We must keep up a prosperous farming class in the country ; but while the number of our farmers has not sensibly increased during that period, I contend that the farmers as a class have done very well. They have held their own better during that period than perhaps any other farmers in the world. Let us look at a few figures in relation to that subject. In 1877 we imported a great deal of agricultural products from the United States. I have looked over the figures, and I find that we imported from the United States over and above agricultural products, not the produce of Canada, that we send out of the country, $12,000,000 worth. Last year I find that that was reduced to two or three millions of dollars—There is a difference of ten millions of dollars between 1877 and the last financial

year that I have been looking over. The home market has been conserved under the National Policy to the farmers of Canada to the amount of at least ten millions of dollars. That is not all. Take the exports for the year ending June, 1893, and it will be found that we sent out of the country that year of agricultural products more than we did in 1878 over twenty-one millions of dollars' worth, and we must remember that there has been a great depreciation in prices and that that twenty-one millions of dollars' worth of products represents a volume altogether greater than the value would indicate on account of the depreciation in prices, especially of wheat, which formed a considerable portion of our exports. The National Policy has conserved to our farmers, our own markets to the extent of ten millions of dollars, and we have invaded the markets of the world with twenty-one millions of dollars' worth more of agricultural products than was sent out in 1878, notwithstanding the depreciation in prices. More than that, we have fed our own home population of three-quarters of a million more people in the cities than in 1878. Hon. gentlemen opposite are fond of saying that the population of Canada has not increased—that there has been an exodus. That is no doubt true. These movements of population are attributed by our friends opposite to the operation of the National Policy. I do not think that is reasonable or fair, because these movements of population have always been going on as regards the races to which we belong. There would have been no people in Canada now had it not been for the feeling of unrest that the races to which we belong have manifested. I have the Financial Reform Almanac before me, a reliable book issued by the free traders of England, which contains some statistics with regard to emigration from that country. I find in this volume it is set forth that in the 15 years from 1879, when the National Policy was adopted in Canada, up to 1892, 3,185,000 people emigrated from the British Islands—that is after deducting the number of those who came in during that period. That was the net emigration from the British Islands—in free trade England—and of that number 2,780,000 went to the United States. There has been an enormous exodus from the only free trade country in the world to a country which has the highest protective tariff.

Hon. Mr. BOULTON—What has been the increase of population that remained behind in England?

Hon. Mr. FERGUSON (P.E.I.)—There may have been an increase of population—I am not dealing with that—I am dealing with the people who have gone out of the country. I put that fact before the House—it is important when we find that 3,185,000 people over and above those who came into Great Britain and Ireland during those years went out of the country, and that most of them went to the most protected country in the world.

Hon. Mr. POWER—Just as large a proportion of the people of Canada have gone out, and the increase of our population is not any greater in proportion than that of England.

Hon. Mr. FERGUSON (P.E.I.)—That is a subject that is so often discussed, that it is scarcely necessary to go into it now, but the hon. gentleman knows very well—no one knows better—that the census of 1881 and the census of 1891 in Canada were not taken on the same basis with regard to the time limit of absentees. I remember after the census of 1881 was taken, our friends in the opposition, Sir Richard Cartwright and others condemned the census of that year as being wholly unreliable, because they said that the system adopted led to the counting in of a vast number of people who had left the country for years and who might never return. The government felt that there was some force in this objection, and in the census of 1891 instructions were issued that no absentee should be included in the population of the country unless some satisfactory assurance was given that he would return in a reasonable time. If the census of 1891 had been taken on the same basis as the census of 1881, it would have shown—in fact there is every evidence of that,—that Canada improved rapidly during that period, and that there was a substantial increase of population. Hon. gentlemen are fond of referring to the deficit of the present year and of last year, and my hon. friend the leader of the Opposition in this House was kind enough to suggest a way in which the deficit could be removed. He suggested that duties should be taken off some of the staple articles of import, although my hon. friend

the leader of the House very clearly showed him, in reply, that he had pursued a very different course himself when he was in the government, and had a deficit to meet; but if hon. gentlemen will take the trouble to look at the matter, they will see that there is another way in which the government could easily have got over the deficit of this year, which may not be as large as hon. gentlemen seem to think. We had a deficit last year though not nearly so large as the Liberal government had while it was in power. I would submit to hon. gentlemen that if the present administration had put the same duties on some of the staple articles of imports necessaries of life—such as were on during the Mackenzie administration, they would not have had a deficit this year or last year. If they had restored the duties that my hon. friend opposite imposed on tea and sugar in 1877 and 1878, the whole difficulty would have been overcome. I have gone over the blue-books and made calculations on the subject, and I was amazed to find that if we had continued the duties imposed by the Mackenzie administration on raw and refined sugar, they would have yielded, in the last three years above the revenue that we did get, over $20,000,000. On tea, last year, the imposition of the old duty would have yielded $1,000,000, and since the duty on tea has been removed, government had kept up the duty at the same rate as the Mackenzie administration had it, there would have been $10,000,000 or $11,000,000 more revenue in the treasury of the country.

Hon. Mr. BOULTON—Now transferred to the manufacturers' pockets.

Hon. Mr. FERGUSON.—My hon. friend does not surely say that any one does manufacture tea in Canada. I am dealing with a bare, bald fact that if the duty imposed by the Mackenzie administration in 1877 and 1878 on tea and sugar had been imposed of late years, there would have been no deficit. A duty on these articles is to be the policy of the Liberal party, I believe, if they ever come into power. An eminent gentleman of that party in the Ottawa convention which met in 1893, Mr. Charlton, declared that if they got into power they proposed to raise a revenue of $3,300,000 on sugar. The Hon. David Mills another very eminent gentleman of the party, treated the House to a discourse on the duty on tea last year and claimed it to be a free trade tax. The hon. gentleman was right, it was a free trade tax, and he was preparing the way for a tax on tea if his party ever came into power. When we look at the record of the different Conservative administrations, we need not be much troubled about the deficit of the present year, for which we have not the exact figures. We find during 16 years of Conservative administration a surplus of about $16,000,000, an average of about a million dollars a year, notwithstanding the fact that the expenditure occasioned by the North-west rebellion was incurred during that period. There is no occasion for alarm at a showing such as this when we recall the fact that under the Mackenzie administration there was on an average a deficit of over a million dollars a year.

I am very much obliged to different hon. gentlemen who expressed themselves so kindly, with regard to my own selection to take part in the government of the country. It was very kind and very unexpected to me, and I was paid compliments which I feel I do not deserve, but I shall do my best to deserve if I live. In connection with this matter I want to say one word in reply to the observation which fell from my hon. friend from British Columbia with regard to the representation of his province in the government of the country. I understood the hon. gentleman to say that he found no fault with the representation of my little province in the councils of the country, but he complained that the province that he has the honour to represent in this House has not been similarly treated. On matters of fact, I am rather at variance with the hon. gentleman in one or two particulars. It is within my memory that the province of British Columbia had one of its representatives as premier of Canada for a time. Not only had they a representative in the Cabinet but they had the honour of being represented by the greatest statesman that Canada has ever produced.

Hon. Mr. McINNES, (B.C.)—I regret to say it because he has passed away, but Sir John Macdonald became a representative of one of the British Columbia constituencies after he was rejected by his own constituency in Kingston, and in the true sense of the word he had never been in British Columbia; he did not understand British Colum-

bia, and it was merely a compliment paid to him at the time, and in the true sense of the word, he was not a representative from the province.

Hon. Mr. ROBITAILLE—I should like to know why he did not understand it.

Hon. Mr. FERGUSON—My hon. friend's argument is rather against the earnest plea he set up for the representation of his province in the Cabinet the other day, because I think hon. gentlemen will come to this conclusion, that if the presence of Sir John Macdonald as the representative of a British Columbia constituency in the House of Commons, in the Cabinet, and as Premier of Canada, was not a benefit to the province, I do not think the province can be benefited by a representative in the Cabinet. As for myself, perhaps I may not be a benefit to my own province ; very likely I may not be, but that does not affect the question. Sir John Macdonald may have been a feeble representative of British Columbia in the Cabinet, but I do not think that that affects the question which I am discussing at the present moment. I want to point out, however, to my hon. friend that much later a former representative of British Columbia occupied a Cabinet position for many years. I refer to Mr. Dewdney. It is true that at the time Mr. Dewdney was in the Cabinet he did not represent a British Columbia constituency, but he was at one time a representative of that province, and he has gone back to occupy a prominent position there.

Hon. Mr. MACDONALD (B.C.)—The province never recognized Mr. Dewdney as representing them in the Cabinet after he left British Columbia ; and I ask the hon. gentleman, if he lived in British Columbia and never went to his own island, could he represent that island properly, and with satisfaction to his own people ? Although we gave Sir John a seat, and were proud to do so, he never represented British Columbia in a proper manner, as a native of that province could have done.

Hon. Mr. FERGUSON—I am not going to discuss the question as to whether these gentlemen were efficient representatives or not. I know that when Mr. Dewdney was a member of the Cabinet he did not represent a constituency in British Columbia, but from the fact of its being his adopted province, though he did not live there, it is probable that he may have understood the needs of British Columbia. I simply say this in answer to what has been said with reference to Prince Edward Island. Now, I have been in the province of British Columbia and I do not think my hon. friends have been in the province that I represent. I admire the province of British Columbia, and I do not know that many members of this House have a greater appreciation of the wonderful resources of that province than I have. If British Columbia should get one or two seats in the Cabinet, I am sure I should be very far from sorry. I know my hon. friends do not feel at all sorry that Prince Edward Island has got representation. We are agreed thus far, but I do differ from my hon. friend from British Columbia who brought this matter up with regard to the comparison, he instituted between British Columbia and Prince Edward Island in the matter of contributions to the revenues of the country. I thought we were done with hearing the customs entries at any ports quoted as an evidence of the contributions of any part of Canada to the revenue of the country. We know very well that no fair comparison can be made in that way at all. We know that the importing for Canada is done at certain centres at the present time. The hon. member from Victoria referred to this matter and pointed to certain figures as really representing the contributions of the different parts of the country. That would be very important if they really did represent the contributions, but I submit they do not. I am not very well acquainted with the nature of the importations or the destination of the dutiable goods that are entered in the ports of British Columbia, but I think, looking upon the fact that these ports of British Columbia are the only ports of entry on the Pacific coast, that a good portion of the goods so entered are consumed in other parts of Canada and not consumed in that province—

Hon. Mr. McINNES (B.C.)—Yes, they are.

Hon. Mr. FERGUSON—Well, with regard to Prince Edward Island, I know that our imports represent but a very small pro-

portion of our consumption ; that the dutiable goods from foreign countries are entered at Montreal. Montreal has become the great centre of importation for Prince Edward Island,—St. John, Halifax and Toronto to some extent—but principally Montreal, and very little of our goods are imported direct as they were in the olden days. We are also larger purchasers of Canadian goods than we were years ago, and I say that the returns do not indicate to any extent what the contributions of Prince Edward Island are in this matter. Take the North-west Territories ; we find last year that only $11,012.47 was paid in duties in all the territories. I know that my hon. friend from Wolseley will bear me out in saying that it would be very absurd to suppose that that was all the duty paid on goods consumed in the North-west. I believe that that paltry $11,012 does not by any means represent their contribution to the federal treasury. I think there is no doubt that a considerable portion of the goods that are imported in Montreal and Vancouver and Victoria may be consumed in the North-west.

Hon. Mr. MACDONALD (B.C.)—No, they go through in bond. All the goods we pay duty for are consumed in the province, but goods coming through, from Montreal and other parts, do not go through in bond, and do not appear as goods we have paid duty for.

Hon. Mr. FERGUSON—The goods that are shipped for merchants east will go through in bond, but goods imported by Vancouver or Victoria merchants for the purpose of meeting their trade, whether inside or outside of their province, will be paid in the port of entry, and I think the extraordinary discrepancy between the North-west Territories and British Columbia may be accounted for in some such way as I have indicated. It would be preposterous to say for a moment that $11,012 represents the contributions of the North-west Territories to the treasury of the country. I have been through the North-west Territories, and I know very well they are large consumers of dutiable goods and they must come from somewhere. I say this because the statement made by my hon. friend was calculated to create a wrong impression—I do not say with regard to his own province. He may be right about that, but so far as the province of Prince Edward Island is concerned, it created a wrong impression. To get at the true contributions of the province of Prince Edward Island you might multiply the figures that he quoted by eight or ten.

I feel that I should not resume my seat without saying a word, feebly as I feel myself able to do it, with regard to the great loss which Canada has sustained within the last year in the person of our late premier, Sir John Thompson. All the gentlemen who have spoken on both sides of the House, have very feelingly and fittingly expressed their great admiration for that eminent man, and their sense of the loss which Canada has sustained by his being taken away. His career was truly marvellous—a wonderful career in any country. Only ten or eleven years had he been in the arena of Dominion politics, and at the end of that time he stood away above and beyond I might say every man in public life in Canada in regard to services and in regard to ability, and in almost every respect his career was a wonderful one. The almost tragic ending of that career was calculated, to make an impression on the minds of the people of our country which time will not efface. I cannot do better in closing my remarks than to quote the words of Sir Walter Scott with regard to Lord Nelson :

> "To him as to the burning levin
> Short, bright, resistless course was given,
> Till burst the bolt on yonder shore
> Rolled, blazed, destroyed and was no more."

The motion was agreed to.

## MINISTERIAL CHANGES.

Hon. Mr. POWER—During the discussion on the Address some reference was made to recent changes in the administration, and perhaps the hon. the leader of the government will be prepared to make these explanations now.

Hon. Sir MACKENZIE BOWELL—In accordance with constitutional practice on similar occasions, and with the permission of the Crown, I have briefly to acquaint the House with the proceedings which took place consequent upon the lamented death of Sir John Thompson.

On the evening of the day following that which witnessed the tragic event at Windsor Castle, England, I received the Governor

General's commands to wait upon him. In the course of the interview, His Excellency did me the honour to propose that I should undertake the formation of a new administration. This task I conceived it my duty to accept. The first step towards its fulfilment was to ascertain from my late colleagues whether they would consent to retain their positions, and on their agreeing to do so I advised that they be continued in their respective offices subject to any such changes as might in the interest of the country be deemed advisable. I may add, however, that Mr. Patterson expressed his wish to retire, but consented to remain at my special request until such time as I could conveniently make other arrangements.

The Cabinet vacancy caused by the death of Sir John Thompson was filled by Mr. Dickey, M.P., for Cumberland, who accepted the portfolio of Secretary of State.

The isolated position of Prince Edward Island renders direct representation in the Ministry desirable. Hon. gentlemen will, I am sure, agree with me that in the accession of the Hon. Senator Ferguson to the Cabinet the people of the island province have every assurance that their interests will be well safe-guarded. The Hon. Sir John Carling having intimated his wish to retire, it was considered expedient further to strengthen the Executive by inviting Mr. Montague, the member for Haldimand, to join the administration without portfolio. In assuming the duties of First Minister, I felt it due to myself that I should be as far as possible untrammelled by departmental responsibilities. With this object, I assumed the Presidency of the Privy Council, my colleague, Mr. Ives, accepting the office of Minister of Trade and Commerce vacated by myself; Mr. Costigan became Minister of Marine and Fisheries, in the room of Sir Charles Hibbert Tupper, who succeeded to the portfolio held by our late leader.

Subsequently Mr. Patterson renewed his request to be relieved of the cares of office; and the state of his health precluding further postponement of his determination to retire, I was reluctantly compelled to submit his resignation to the Governor General. Mr. Dickey was thereupon transferred to the vacant portfolio of Militia and Defence, and Mr. Montague was appointed Secretary of State.

The Senate adjourned at 5.10 p.m.

## THE SENATE.

*Ottawa, Monday, 29th April, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## SAW-DUST IN THE OTTAWA RIVER.

MOTION.

Hon. Mr. CLEMOW moved:—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all reports, plans, profiles or other evidences in the possession of the government, showing to what extent the Ottawa River has been affected in the past by the dumping therein of saw-dust, mill or other refuse.

He said: As hon. gentlemen are aware, at the last session of Parliament an amendment was made to the Fisheries Act whereby the dumping of saw-dust and other refuse into rivers and streams was prohibited, especially in the case of the Ottawa River. This address is for the purpose of obtaining copies of reports, profiles and other evidence in the possession of the government respecting the effect such dumping has had upon the river. They were prepaped some years ago by an officer of the Department of Public Works, and I think they are in the possession of the government. I believe it is intended to move in the direction of having the amendment repealed or modified in some way, and I think it is most desirable that this information should be placed before this House, in order that we may arrive at a proper conclusion with respect to the effect of this dumping in the past. Therefore, I hope the government will bring down the papers. It will have a very desirable effect, and I see no reason why it should be refused in the public interest.

Hon. Mr. POWER—I do not propose to oppose the motion of the hon. gentleman from the Rideau Division, but I wish to draw the attention of the House to the fact that if the law as it now exists is carried out, there is no necessity for the inquiry which the hon. gentleman proposes to have made, or for submitting the information. When the bill to amend the Fisheries Act was before this House last year, it will be remem-

bered that the hon. gentleman from Rideau Division moved an amendment which is now to be found in section 6 of chapter 51 of the Acts of last year. The early part of the section provides for the punishment of persons who cause, or knowingly or wilfully permit any noxious substance, saw-dust, mill rubbish, &c., to pass into any river, and at the end of the section there is this proviso :

Provided always that this subsection shall not go into operation as to mills and streams which have been heretofore exempted until the 1st of May, 1895.

So that on the day after to-morrow the general law laid down in the earlier part of the section, a portion of which I have read, will apply to the Ottawa River. That is a very desirable condition of things. The hon. gentleman satisfied the Senate that this action was necessary ; that the Ottawa River had been very seriously damaged by allowing saw-dust and mill refuse to pass into it ; and he succeeded in inducing this House to make the amendment, which has been indicated, to the measure of last year. Inasmuch as we have had no official information that it is intended to repeal section 6 of the Act of last year, I cannot see why the hon. gentleman should ask for information now. The House had sufficient information last year to induce it to take the action to which he refers, and unless it is proposed to undo that action, I fail to see what useful end is to be gained by bringing down information which is in the hands of the government.

Hon. Mr. CLEMOW—The hon. gentleman is perfectly correct in what he says, but I understand that the parties aggrieved do intend to endeavour to have the Act repealed or modified, and it is desirable, therefore, to have this information before the House. I believe that some measure will soon be brought down to modify the law and, in order to prepare for that contingency, I have asked for the papers.

Hon. Mr. ANGERS—There is no objection to the motion being acceded to. As the hon. gentleman has stated, the interested parties, mill owners, have during the recess moved and had meetings concerning the lumbering interest, especially at Ottawa, and it is likely that some bill may be introduced in the other House, or perhaps in the Senate, to modify the Act and save the lumbering interests in this section of the country and some other interests on the St. John (which is an international river) where the law applies uselessly from the fact that on the American side they can throw as much saw-dust as they choose, and the mill owners on the Canadian side would be deprived of the advantage enjoyed by their competitors. It would be putting our mill owners and our lumber trade at a disadvantage compared with the American mills on the other side.

Hon. Mr. POWER—I am quite satisfied now as to the reason why the hon. gentleman requires the information, and I am glad to see that he has taken time by the forelock. I may say that the dread which he expresses is perhaps strengthened—at least the probability that some such action was in contemplation is strengthened—by the fact that the Department of Marine and Fisheries last year employed an officer to inspect the rivers in various parts of the country with a view of ascertaining how much mischief the depositing of saw-dust was causing, and I understand that since the change in the headship of the Department of Marine and Fisheries the work has been discontinued and the officer who was engaged in the work has been recalled to the capital. That would appear to indicate a change in the policy consequent upon the change of ministry.

Hon. Mr. MILLER—Some few years ago this subject was referred to a committee of this House, of which I had the honour of being chairman, and a very full and exhaustive examination was made of quite a large number of witnesses on the subject. The report (which I presume will be brought down upon this motion) clearly recommended that steps should be taken to prevent the destruction of the Ottawa River by sawdust being thrown into it from the mills at the Chaudière. The expression of the Committee was so strong at the time, and the report was so unanimously adopted by the House, that it was thought it would not prove a dead letter as it has done ; but unfortunately the preservation of our rivers from destruction has been altogether overlooked in consequence of the great influence of the mill owners with the government. I quite sympathize with my hon. friend from Ottawa on this matter. I think he repre-

sents very fully and very fairly the opinion of the public of Ottawa in relation to the manner in which this noble river is being destroyed by refuse and saw-dust from the mills. If it were impossible to prevent this evil, then there might be some excuse for continuing it, but I believe it is admitted that there is no impossibility about applying a remedy to the grievance complained of. There are mills on the Ottawa River, one especially, owned by Mr. Edwards at Rockland, in which appliances are in operation for consuming the saw-dust, and there is no reason why similar appliances might not be furnished at every mill on the river, and thus prevent the complete destruction, which will inevitably take place if we do not prevent this practice now. I regret to learn that there is an intention to suspend the operation of the law on the 1st of May, through the influence of which I have just now spoken, an interest which I think is opposed to public opinion, and certainly to the interests of all persons holding property on the Ottawa River, and that the effectiveness and usefulness of the law are likely to be very greatly impaired. Of course, the government have the matter altogether under their control and will take the responsibility of their action. I regret, however, that the policy, which present circumstances indicate, is to prevail. It is not in the right direction in my opinion.

Hon. Mr. KAULBACH—My hon. friend has expressed my views upon this matter better than I could have done it myself. There is not only the evil to which I have referred, but it will have a prejudicial effect everywhere on other rivers as in the county of Lunenburg. There the law has been enforced in a most arbitrary and tyrannical way. The whole argument of the mill-owners, the most unanswerable defence they make, has been : "Look at the Ottawa River. Under the eyes of Parliament you allow this violation of the law to exist, and you give a preference to the mill-owners on that river over those of us whose mills are located in Nova Scotia." The same rule that applies to the Ottawa River should apply to all rivers. The practice of dumping saw-dust and mill refuse into the water led to the destruction of the river fishery of the La Have River, even before the big gang mills were erected, and it has a demoralizing effect to find that we here, sitting and legislating generally in the interests of the fisheries and navigation of Canada, spending millions on both, allow such a nuisance as this to exist within sight of the parliament buildings.

Hon. Mr. ALLAN—My hon. friend in his motion here asks for all reports, plans, profiles, etc., in possession of the government. I hope my hon. friend, when he brings up this subject in the House again, will also lay before us the plans and profiles prepared by Mr. Thomas Keefer, which were submitted by me to the House at the time this discussion took place last year. They show very clearly indeed the enormous mischief that is being wrought in the bed of the river, by the increasing extent to which it is being filled up by saw-dust from the mills.

Hon. Mr. CLEMOW—I have it here.

Hon. Mr. ALMON—I understand that it is very easy, in constructing a new mill, to build it so that the saw-dust can be caught and destroyed, but that in the case of old mills they are so built, that it is almost impossible to change them, so that the saw-dust can be collected and burnt. That being the case, I think very stringent laws should be enforced with regard to new mills but that old ones should be dealt more leniently with, and the owners should not be put to the immense expense of rebuilding them. Personally, I know nothing about the subject, but the information that I have is from a very good source.

Hon. Mr. SNOWBALL—I am sorry to hear that the government has any intention to interfere with the working of the act as it now stands. Anything that has been said here to-day in reference to the owners of mills, not being able to consume their saw-dust, should have no effect whatever upon the law. In the lower provinces the Fisheries Act has been more stringently enforced than in this part of the country. There the mill-owners were compelled, whether their mills were old or new, to catch and destroy their saw-dust. The expense to the mill-owners has been very great. I, unfortunately, happened to own one of the old mills. We do not find any difficulty whatever in changing the mills ; there was a considerable expense, no doubt. Our mills were built over the river just as they are here. When the fishery overseers enforced

the Act we found means of complying with the letter of the law. No doubt it involved great expense, which we would gladly have avoided, but still we found means to dispose of the saw-dust. The contention made on behalf of the mill-owners of the Maritime provinces, is much stronger than any claim put forward on behalf of the mill-owners at Ottawa. You must remember that the lumber that is sawn there is largely spruce. It is not worth more than 50 per cent of the value of the pine lumber that is manufactured here, consequently the percentage of cost in making the change was much heavier there than it would be at the Ottawa mills. If such a nuisance is tolerated, under the eyes of Parliament, and the law is not enforced here, you will find that the people of the Maritime provinces will have just cause to complain, and will remove their chutes, from under the mills, and allow the saw-dust to run into the river, utterly destroying the fisheries as has been done here. Our fisheries are valuable : they tell that yours were at one time quite as valuable here. We cannot afford to pay anything like as much for changing our mills in proportion to the value of our lumber as they can here. Therefore, I say the excuse of expense should not be tolerated. What we can do, and what we have been compelled by the law to do, should be enforced in every section of this Dominion. It has been stated that an exception should be made in the case of the St. John because it is an international river. How far should that apply? True, a certain portion of it is on the United States side, but how far up the St. John river do you go before you meet that? I think it is close on 200 miles, and then it only bounds the state of Maine for a short distance. Suppose the mill-owners up there put saw-dust in the river on the United States side, how much would that affect the fisheries on our side? I contend that the saw-dust entering the St. John River will affect their portion only. It will not extend to our side. For 150 miles up the river the law is enforced on both sides and in all the tributaries, as it is on the Miramichi and other rivers in New Brunswick. On the St. John River as it now stands, and I presume the law is fully enforced there, the fisheries have seven-eighths of the bed of the river that will be free from saw-dust and pollution, and it will make perfectly clean spawning beds for the fish. To appoint fishery officers to protect the fisheries, to appropriate money for breeding fish and then to put the fish in polluted streams where they will die within 24 hours, is throwing away money in a manner which should not for a moment be tolerated. The case of the St. John River will not bear investigation ; the cost of changing the mills will not bear investigation, and there is no impossibility about being able to dispose of all the saw-dust here, as we have done for many years down in the lower provinces, at all events during all my experience in the saw-mill business in the Maritime provinces.

Hon. Mr. BOULTON—I should like to ask the hon. gentleman who it is that enforces the act in these cases?

Hon. Mr. SNOWBALL—I think the fisheries inspectors. In fact I do not know who would enforce it.

The motion was agreed to.

Hon. Mr. CLEMOW moved :—

That an humble Address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be made a survey of the Ottawa River, from the Chaudière Falls to the mouth of the Gatineau River, at as early a date as possible, to ascertain the localities, depth and extent of the deposit of saw-dust, mill or other refuse in that part of the river above indicated ; and that plans and profiles of such survey be furnished to the Senate immediately after completion.

He said : This is in order to find out whether, from the evidence of the last survey, this nuisance continued unabated, or whether it has decreased. It has been stated in some quarters that the spring freshets remove a great deal of the saw-dust. We can find by actual examination whether such is the fact or not. In my opinion, and from the best evidence I can obtain, the spring freshet has no such effect. The saw-dust continues to extend. It sinks in the river, and you will find, by an additional survey, that the deposits have very much increased. I think it highly necessary to have information before the House if the question should come to be fully considered. I am not going to enter into the merits or demerits of the case until the papers come before us. The nuisance has continued for a good many years, and the sooner it is abated the better. Mr. Edwards, of New Edinburgh, has made arrangements in his mill by which he burns the saw-dust, and if it can be done by him on the Rideau River it can be done by the

mill-owners at the Chaudière. It is merely a matter of expense and that is a small matter compared with the destruction of the Ottawa River. Therefore, I hope the government will lose no time in having an additional survey made, and I hope they will employ the same officer who made the former examination, to ascertain whether the nuisance has increased or not. I think the results will alarm many in this House. The diagram last year showed a deposit of 62 feet of saw-dust, and you will find, if an investigation should be made, that that has extended considerably. The part of the river to be examined extends only from the Chaudière Falls to the Gatineau River, and the investigation could soon be made. It will give us information which will enable us to vote intelligently on the question when it comes before us.

The motion was agreed to.

## THE INSOLVENCY BILL.

FIRST READING.

Hon. Sir MACKENZIE BOWELL introduced Bill (A) "An Act respecting Insolvency," and moved that it be read the first time. He said: In moving the first reading of the bill relating to Insolvency it were well to offer a few remarks in explanation of the measure now submitted for consideration. Hon. gentlemen will remember that a bill dealing with the subject was introduced in this House last session and referred to a Select Committee of the Senate, who after a lengthened and very careful study of its provisions and after hearing the views and suggestions of representatives of the banking and commercial interests in this country, reported to the Senate a bill which was substantially concurred in. The session was then so far advanced that it seemed impossible for it to receive in the other House that close and careful consideration that its importance demanded, and accordingly the government deemed it advisable not to proceed further with the measure last session. The bill now introduced is with some slight changes in the wording of some of the clauses to all intents and purposes the bill passed last year by the Senate. Hon. gentlemen will, however, readily understand that despite the utmost care preparing a bill containing so many clauses as this does, and which had been drafted, re-drafted, amended and re-amended, contradictory provisions would creep in and enactments be allowed to remain which were necessary in one draft but which became unnecessary in consequence of changes made in said first draft. The bill, therefore, has been carefully revised during recess and unnecessary or contradictory provisions have been eliminated or harmonized. Changes have also been made in the verbiage of some of the sections with the view of making the meaning more plain or the language more concise. The method of procedure has also in some cases been more clearly defined, but the main principles of the measure adopted by the Senate last year have not been interfered with. As the changes made, and the reasons which led to those changes, can better be discussed when the bill reaches the committee stage, I shall defer further comment until the bill reaches that stage. I therefore beg to move, seconded by Mr. Angers, that the bill "An Act respecting Insolvency," be now read the first time.

The motion was agreed to.

## THE STANDING COMMITTEES.

MOTION.

Hon. Sir MACKENZIE BOWELL moved the adoption of the report of the Committee of Selection appointed to nominate Senators to serve on the several Standing Committees for the present session.

The motion was agreed to.

The Senate adjourned at 4.20 p.m.

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## THE SENATE.

*Ottawa, Tuesday, 30th April, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE CHAIRMANSHIP OF THE COMMITTEE ON RAILWAYS.

MOTION.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, presented their first report, and moved that the same be adopted.

Hon. Mr. MILLER—Before that report is received, I desire to call the attention of the House to an irregularity in the organization of that Committee. It was called to meet to-day at 10.45 a.m. My watch is correct, both by the gun and the clock. I left my room in plenty of time to be present at the meeting at the hour for which it was summoned, but, to my great surprise, before I reached the door of the Committee room, I met the members coming from it, and was told that the Committee had met and organized and that everything was over. This is the first time that I ever knew of such an irregularity, which certainly amounts, under the circumstances, to a discourtesy to every member of the Committee who was not present, and I cannot allow it to pass unnoticed. I wished to be on that Committee at the meeting for organization, because I knew that a new chairman had to be appointed. Although I was not ambitious for that honour myself—in fact, would not have taken it if it had been offered to me, as I have had as much experience as chairman of committees since I have been a member of this House as I desire—I thought as former leaders of this House have always thought (Sir John Abbott and Sir Alexander Campbell)—that in arranging for chairmen of the committees due regard should be had to giving fair representation to the various provinces of the Dominion. These distinguished men, who so long led this House, and with such success, and who were particular in paying the greatest deference in regard to justice and courtesy to members of this House from the various provinces representing the Dominion, always considered this a matter of very great importance. I want it to be understood that I have no personal objections to the hon. gentleman who has been chosen to preside over this committee. He has been a useful member of that committee for a great many years, but so have other gentlemen who are at present on that committee. Instead of having any personal objection to him, perhaps there is no member of this House for whom I have a higher personal esteem, and my relations with that gentleman since we have been together in this House have been of the most cordial character. The members of that committee will recollect that, on an important occasion—I allude to the time when the Baie des Chaleurs investigation was before that committee—when Mr. Dickey had to leave his place in the Senate to go to England, a vacancy occurred in the chairmanship of the committee. I was pressed by members of the committee to accept the chairmanship then; but I declined to do so, because I felt that my duty required me at the Table at that time, where I thought I could render more efficient service as an ordinary member of the committee, and on my motion, the hon. member from Sarnia was put in the chair and acted as chairman. So that it must not be supposed that any objection I make at the present moment is of a personal character, but quite the contrary. Now, what are the facts? As all hon. gentlemen are aware, there are twenty-four members from the province of Ontario in this House and twenty-four from the Maritime Provinces. Now, the twenty-four gentlemen from Ontario will have, I presume, three of the most important committees of this House. My hon. friend, the chairman of the Printing Committee, has not yet, I presume, been appointed, but there can be no doubt that that committee will not lose his valuable services and experience, and that he will be appointed chairman at its first session. Ontario will also have the important Committee on Banking and Commerce, and the Committee on Railways—three of the most important committees as regards legislation of this House. And the Maritime Provinces will have what? The chairmanship of the Committee on Contingencies, whose duties are to report as to the messengers of this House and things of that kind—a committee which has no connection with the legislation, but merely the internal economy of the House and nothing more. Of course it is a very important committee in its way, but not what you would consider a leading committee of the Senate. Although at present there are four vacancies in the representation of the Maritime Provinces, even as we stand, can such a comparison be drawn between us that three times the representation should be given the chairs the committees of this House to Ontario than to the whole of the Maritime Provinces combined? I do not think it is right, and although I presume it is no use for me to object, still I felt that the discourtesy extended to myself and others who were not allowed the regular time to get to the committee and express our views, should not be passed over in silence. Injustice is also done

to several members of the committee who have served a long time on it. Can it be said that there were not gentlemen from the Maritime division qualified for the position of chairman? There is the hon. gentleman from Lunenburg. He has never occupied the position of chairman of a committee of this House, but has served on committees for years, one of the oldest members of the House—where was he? I do think that it would be proper to allow this invidious distinction to be made without calling the attention of the House to it.

Hon. Mr. VIDAL—I must thank the hon. gentleman for his very kindly reference to myself. The matter is one which he has a perfect right to bring before the House, but it is rather an awkward thing that the only person responsible for any wrong which may have been done is one who is not here to explain or defend his conduct. Now, it so happened—I do not know whether my hon. friend inadvertently mentioned the time—it so happened that this committee met at 10.30, not at 10.45, and if he came at 10.45, he was fifteen minutes behind.

Hon. Mr. MILLER—I was on time according to the notice—whatever the notice was.

Hon. Mr. POWER—The notice which I received was 10.45.

Hon. Mr. KAULBACH—Yes; 10.45 was the time.

Hon. Mr. MILLER—I know I just met the members coming out.

Hon. Mr. VIDAL—I stand corrected. What I wish to call attention to in defence of the clerk, who commenced the proceedings, is this, that having noticed that a committee which had met a few minutes before had been very sharp in the way alluded to, and concluded proceedings before I reached the room—I was desirous that this should not be repeated in the Railway Committee, and I can call upon my hon. friend the Premier, who was also there taking an interest in it, to vouch for the fact that the clerk consulted his watch and was careful not to call the meeting to order until the proper time arrived. He assured me that his time was right with the tower clock. I think it is right that I should make this explanation in order to excuse the course which was taken and which seems to have been premature. However, I cannot refrain from expressing my deep sense of the kind manner in which my hon. friend has spoken of myself. It is no doubt an honour to be conferred on any member to occupy such a position; at the same time, it is an honour which involves trouble and some work and sacrifice of time. As far as the honour is concerned, I would willingly pass it over to any hon. gentleman in this House.

Hon. Sir MACKENZIE BOWELL—I deeply regret that any member of the committee should feel aggrieved at anything that occurred, more particularly arising out of an accident, if such it were, on the part of the clerk. I was sitting alongside of him and he consulted me as to calling the meeting to order. I told him to be cautious and not call it before the time had expired. His reply was "It is now 3½ minutes; you have more than a quorum. Shall I call them to order." I said "No, wait until your watch indicates the proper minute," and I did make this jocular remark to him, "I think, in a matter of this kind, you acting as chairman, should pursue the same policy as we do at elections: we take the returning-officer's watch as our guide and not our own."

Hon. Mr. McINNES (B.C.)—I heard you say it.

Hon. Sir MACKENZIE BOWELL—And my hon. friend from British Columbia will remember we were very cautious in telling the clerk not to call the meeting to order until the proper time by his watch. I regret a great deal more the fact that my hon. friend from Richmond should have supposed for a moment, or that he should think it possible—I will put it as strong as that—that I should do any act in this House for the purpose of throwing discredit, or an act which might be considered discourteous to any member of the Senate. I have been exceedingly careful since I have been here, knowing the length of time my hon. friend and others have sat in this House, not to do anything that would bring me in conflict with any of them. In reference to my selection of the member from Sarnia, his name was suggested by a large number of the committee. I explained

to them that I had received a letter from Mr. Dickey declining further election. In introducing the name of Mr. Vidal, I mentioned to the committee the reasons why the former chairman was not here, deeply regretting—and I repeat it—the cause which retains him at his home. There was not a man who approached me, or whose opinion I asked in reference to a successor to Mr. Dickey, but united in recommending the hon. gentleman from Sarnia. I knew that he had been a very valuable member of committees on which he had acted as chairman, or had anything to do with, and had always attended to the public business most assiduously. It was not upon my own responsibility alone, or altogether, but on the concentration—if I may use that expression—of opinion of the members of the committee who spoke to me on the question of the chairmanship, that Mr. Vidal was selected. I repeat and with a great deal of sincerity, that I disavow in the strongest possible manner any intention or desire to cast a reflection upon any one. I was not responsible for the calling of the committee at the moment.

Hon. Mr. MILLER—I did not insinuate anything of that kind.

Hon. Sir MACKENZIE BOWELL—No, my hon. friend did not insinuate anything of that kind, but he did throw out the insinuation, which I do not hesitate to repudiate in the strongest possible language, that I had shown discourtesy to any hon. gentleman.

Hon. Mr. MILLER—I did not use any such language.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman referred to my predecessors and said that they had been very cautious not to do any such thing.

Hon. Mr. MILLER—That is a different thing.

Hon. Sir MACKENZIE BOWELL—That implies the same thing.

Hon. Mr. MILLER—Oh no, it does not.

Hon. Sir MACKENZIE BOWELL—I am glad to hear my honourable friend's disavowal because it has been my good fortune, since I have been in the House, to be on friendly terms with my honourable friend. Nothing would grieve me more than to suppose that one of the oldest members of the House, whom I have looked up to for advice and assistance, could by any possibility believe that I could be guilty of an action of that kind. I go further than that while I recognize the fact that every section of the Dominion should be represented equitably upon the committees, we ought to ignore as far as possible what might be termed "provincialisms" in the administration of public affairs in this country. I appeal to the senior member from Halifax whether I have not, on many occasions, in striking committees called attention to the fact that members from certain provinces should be equally represented on the different committees. I only mention this to show the hon. member from Richmond, if he has any such idea, that so far as I am concerned I desire to to see every province properly represented on the committees, particularly where they would be interested in the legislation which might come before us. The chairmanships held by Ontario members, as I understand it, are precisely the same this year as in former years. My hon. friend shakes his head—perhaps I am in error—

Hon. Mr. MILLER—The chairmanship of the Railway Committee has been taken away from the Maritime Provinces.

Hon. Sir MACKENZIE BOWELL—One of the others had been taken from an Ontario man and given to a Nova Scotian.

Hon. Mr. MILLER—Who is that one?

Hon. Sir MACKENZIE BOWELL—The Hon. Senator from Quinté Division (Mr. Read) used to be chairman of the Committee on Contingencies. He has been replaced by a Nova Scotian.

Hon Mr. MILLER—The Hon. Mr. McKay was the chairman of the Contingent Accounts Committee last year. I am talking of this year.

Hon. Sir MACKENZIE BOWELL—I am talking of last year as well as of this year. Nobody objected to the change which was made last year, and I should be sorry to see any question of the kind arise now.

The Joint Committee on Printing has been presided over alternately year after year by two members from Ontario. When the chairmanship was in this House the Hon. Senator from Quinté was generally the chairman, and when it was in the House of Commons, Dr. Bergin, from Cornwall, was chairman. There has been no change in that for a great many years. I was on that committee for twenty-five years and I never heard this provincial question being even mooted. I have the following note from the law clerk, and I think it is only justice to him that I should read it in order that the House may understand that he did not do anything with the intention of exceeding his duties:

> Please say my watch was set by the tower clock. I did so when coming in and as a matter of fact my watch was 1½ minutes slow by that clock, and I called the Committee to order at 10.45 precisely.

So that by his own statement he called the meeting a minute and a half too late.

Hon. Mr. MILLER—The hon. leader of the government has endeavoured to leave the impression on the House that I accused him of a desire to treat unfairly or improperly members of the House in his action on this committee. In referring to the two previous leaders of the Senate in connection with the Conservative party, I referred to their practice without any intention of casting a reflection upon him more than would arise from an inadvertency. But the result of an inadvertency is just the same as if the act were intentional. The hon. gentleman has alluded to the fact that I have given this matter a provincial aspect. In reply to that I will only say my record in this House will show that no member has been less sectional or been less given to sectional prejudices than I have been since I have had the honour to occupy a seat in the Senate, and no member has been more ready to concede to portions of the Dominion outside of his own district their just rights than I have been, but what I contend is that it is wise and proper to keep certain conditions and facts in view in regulating the business of this House. You cannot ignore them, but I think it is altogether out of the question for the party that does ignore them and get all the advantage to be gained by ignoring them, to turn round and say that we should not think of these things at all. If the provinces which are ignored should say so, it would have some force, but it has no force in the mouth of a gentleman representing a province which gets the advantage of all the want of fair play exercised in the appointment of chairman of committees for the present session. I do not want to prolong this discussion, but I am very glad that I raised it, and if it will have no good effect at the present time, I hope it will not be forgotten in the future.

Hon. Mr. KAULBACH—My name has been mentioned by the hon. gentleman from Richmond in this matter, and I am thankful to him for the manner in which he brought it up. I certainly think that the meeting was called some minutes before the time designated in the notice. A messenger came and told me that a quorum was wanted, and that I should come in. I went in, thinking I was ahead of time some five minutes, though I did not look at my watch. I always deem it an honour to preside over any committee. I have acted temporarily as chairman of the Railway Committee in the absence of the regular chairman, and had my name been mentioned on this occasion to fill the position I should have hesitated whether to accept the honour or not, but I was never consulted in the matter, nor did anyone speak to me about it. I consider, myself, that Mr. Vidal having been attentive to his duties as a member of the committee —as I have been myself, for I have never failed in my duties as a member of the House —that the appointment was appropriate. I have been here twenty-four years and have never failed to do my duty, though at times it might be unpleasant to some members and place me in opposition to a majority of the committee, especially on the Divorce Committee. I understand that thoroughly. Last year I stood alone in my independent judgment of matters, and the result was that my position was confirmed by this House and by the other House. The result was what generally happens when a man asserts his conscientious convictions and follows them up by his acts. That has been my course in this House and outside of it, in my private relations as well as in politics— I have never allowed myself to be driven into a position that my opinions did not justify. I have never asked for or received any favours of the government; neither do I impose or volunteer advice. I simply stand

by the government, believing in its general policy. Although I am well pleased to see Mr. Vidal chairman of the committee, yet there is a good deal of force in what my hon. friend from Richmond has said as to fair representation of the different provinces on the committee.

Hon. Mr. ALMON—If the library clock is right the committee must have adjourned five minutes before the time it was summoned to meet. I had five minutes to go from the library to attend the committee, and I met the members of the committee in the corridor coming away from the meeting. My only regret is that I was not there to vote for Mr. Vidal as chairman, which I should have done. The premature meeting was an irregularity which I hope will not occur again. There are other irregularities this session which I think might well be reformed. For instance, this session has been called at an irregular time of the year, and although we have been nearly two weeks in attendance, to-day we have an order paper with nothing on it.

Hon. Mr. POIRIER—The clerk of the committee opened the meeting by his watch, which is set by the tower clock. I find that the tower clock is about 4½ minutes ahead of the cannon and that might account for his unwittingly opening the committee meeting before the right time.

The motion was agreed to.

## AGRICULTURE AND IMMIGRATION

A SUGGESTION.

Hon. Mr. BERNIER—As there seems to be nothing before the House, I ask permission of this House to call attention to a possible action. Yesterday when the report on the standing committees was moved for adoption, it was my intention to call the attention of the House to the suggestion which I am about to make, but I missed my opportunity. There is in the House of Commons a standing committee on Agriculture and Immigration. I want to ask this House whether it would not be a good thing for this House to have a similar committee, or rather a Joint Committee with the other House. It is a very important matter and would bring the Senate in close connection with the Commons on this subject. I do not know what proceedings should be taken to have this suggestion carried out, but I did not wish to do anything before seeing whether it was agreeable to this House or not.

Hon. Mr. ANGERS—This is a subject in which my department is most interested, and I will consult the members of this House and know exactly what is the intention of the leader of the government upon the question of the usefulness of having a joint committee with the Commons, and will ascertain also if it would be agreeable to have such a joint committee. In a few days I will be in a position to give the hon. gentleman and the House information upon the subject.

The Senate adjourned at 4.10 p.m.

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## THE SENATE.

*Ottawa, Wednesday, 1st May, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE COLTON DIVORCE CASE.

MOTION.

Hon. Mr. LOUGHEED moved the adoption of the first report of the Committee on Divorce *re* William Colton petition. He said: The committee found that the proceedings in this case had been regular and in accordance with the rules laid down by the House. Personal service has been effected on the respondent.

The motion was agreed to on a division.

Hon. Mr. CLEMOW introduced Bill (B) "An Act for the relief of William Wallace Colton."

The bill was read the first time.

## THE FALDING DIVORCE CASE.

MOTION.

Hon. Mr. LOUGHEED moved the adoption of the second report of the Committee on Divorce *re* Mary Bradshaw Falding petition. He said: In this case also the proceedings have been complied with as the rules direct.

The motion was agreed to on a division.

Hon. Mr. CLEMOW introduced Bill (C) "An Act for the relief of Mary Bradshaw Falding."

The bill was read the first time.

## THE JARVIS DIVORCE CASE.

MOTION.

Hon. Mr. LOUGHEED moved the adoption of the Third Report of the Committee on Divorce *re* Helen Woodburn Jarvis. He said: What I have said with regard to the two preceding reports applies equally well to this report.

The motion was agreed to on a division.

Hon. Mr. CLEMOW introduced Bill (D) "An Act for the relief of Helen Woodburn Jarvis."

The bill was read the first time.

## THE ODELL DIVORCE CASE.

MOTION.

Hon. Mr. LOUGHEED moved the adoption of the fourth report of the committee on Divorce *re* Luke Sewell Odell petition. He said: There has been a counter petition filed in answer to the petition of the applicant herein. It seems that in this particular matter the applicant, previous to taking proceedings for the passage of this bill, had instituted proceedings *en séparation de corps et de biens* in the Superior Court of Quebec. The trial judge pronounced judgment in favour of the petitioner upon those proceedings. There was afterwards an appeal taken from the Superior Court to the Court of Queen's Bench in the same province, and the five judges constituting the Court of Appeal unanimously reversed the decision of the court of first instance, I understand. The petitioner, or the applicant—because there are two petitioners—the applicant, Luke Sewell Odell, then instituted an appeal in the Supreme Court of Canada from the finding of the Court of Queen's Bench, reversing the judgment of the court of first instance, but in the meantime he had instituted proceedings here for the purpose of obtaining a bill of divorce from Parliament. The counter petition desires that the proceedings before this House should be stayed, pending the hearing of the case before the Supreme Court of Canada. The disposition of the committee is that there should be no interference with the proceedings now pending before the courts, but that all the facts should be before the committee. It was thought desirable that both parties should be heard before the committee by their counsel in regard to this counter petition. The applicant, apparently, has not been served with notice of this counter petition having been laid, and therefore, in justice to both parties, it was thought desirable that an opportunity should be given to them to appear before the committee and to show cause why the proceedings should be continued before Parliament, or why they should be stayed before Parliament, pending the proceedings to which I have already referred. The report, therefore, recommends that notice be served on both parties to appear before the committee and show cause why the proceedings should be continued, or stayed, as the case may be.

Hon. Mr. CLEMOW—Does that necessarily affect the first reading of the bill?

Hon. Mr. KAULBACH—No.

Hon. Mr. CLEMOW—I understand everything is ready, as far as the application to this House is concerned, and the only thing is the consideration of this counter petition.

Hon. Mr. LOUGHEED—Yes, everything is quite regular, according to the rules.

Hon. Mr. CLEMOW—I thought the bill might be introduced to-day and taken into consideration at another time. However, if it is understood that it will not be delayed in any way, I have no objection. Of course, it cannot be heard until after the adjournment.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend from Rideau Division that if the steps were taken at once, it might be possible to have the parties appear before the committee before the adjournment takes place. I do not know whether they have to come from Quebec, but I understand the solicitors for the applicant are Ottawa gentlemen. I am unaware who the solicitors for the respondent are. Possibly they may be here also and appear before the committee.

Hon. Mr. CLEMOW—As long as it will not debar the petitioner in any way, there is no objection.

The motion was agreed to.

The Senate adjourned at 4 p.m.

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## THE SENATE.

*Ottawa, Thursday, 2nd May, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE GRAIN TRADE AT PORT ARTHUR.

Hon. Mr. BOULTON moved:—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, a return of the number of bushels of wheat delivered to the elevators at Fort William and Port Arthur, and the grade; the number of bushels loaded on vessels, and the grade; the nationality and destination of the vessels carrying the grain; also, a copy of the conditions of the grade as fixed by the Board of Inspectors assembled for the purpose of fixing the grade for 1894.

He said: I had intended to ask the House to allow this motion to stand until after the recess, but as the hon. member from Richmond has a motion on the paper with regard to a question which is perhaps of more immediate public interest than this one at the present moment, I shall merely move for the return without giving any reasons for doing so, and when the papers are brought down I shall be in a better position, perhaps, to discuss the subject.

Hon. Sir MACKENZIE BOWELL—There is no objection to the motion, so far as it is in the power of the government to bring down the information asked for. The question is one involving a rather important matter in connection with the carrying trade. It may be of advantage to the House and to the country to hear the hon. gentleman's views, and all the information that can be brought down will be produced.

The motion was agreed to.



## THE HUDSON BAY RAILWAY SUBSIDY.

MOTION.

Hon. Mr. MILLER moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, all Orders in Council, letters or other papers relating to any subsidy, loan or guarantee, in connection with the Hudson Bay Railway within the last two years.

He said: I think the House will agree with me that it is very desirable that accurate and full information should be placed before the Senate in regard to the subject of this motion, at the earliest possible moment. This subject has been brought to the notice of the House of Commons, and the Finance Minister has promised that all information in connection with it shall be duly submitted to that House, but I consider it is only proper, in event of legislation being required at the hands of Parliament in connection with it, that we should have, in the regular way, all the papers connected with the Order in Council before this House as well as before the other branch of Parliament. It will be in the recollection of hon. gentlemen that in the session of 1891, a bill was introduced and passed through Parliament granting a subsidy to the Winnipeg and Hudson Bay Railway, a subsidy of $80,000 per annum for twenty years in connection with the road from Winnipeg to the North Saskatchewan, a distance of about 250 miles. That bill received the sanction of Parliament, and was very strongly supported in this House. I myself spoke and voted in favour of it, and I thought at the time the legislation was, as far as we could foresee, wise and proper. The subsidy asked for on that occasion was of a special character, although an instance of the same kind had occurred with regard to legislation in the North-west Territories before. Under the terms of the Act granting that subsidy the company undertook to render service to the government in the carrying of mails, men and materials to the full value of the money which Parliament agreed to give them. At that time I thought the legislation was in the public interest, and if our financial circumstances were to-day what they were then, I have no doubt I should be prepared to vote as I did on that occasion. But I

need not remind hon. gentlemen that the circumstances of the country have very much changed since then. We have gone through a period of financial depression. We have arrived at a condition in our financial affairs which unfortunately was not anticipated at that time, and we are facing now a very large deficit in the revenue. I think, therefore, that as our position is very different at the present moment, it is the duty of Parliament to view with the greatest care and caution any fresh liability which we may be asked to assume. The Act of 1891 contemplated the construction of a colonization road. It was supported in this House strongly and chiefly on the ground that it was a colonization road, but it was very well understood that in case of the completion at any time of the larger project of the Hudson Bay Railway it would form the initial section of that line. It was in view of these facts that Parliament passed the Act of 1891. It is well known to hon. gentlemen that within the last year strenuous efforts have been made to get a further subsidy or further aid in some way, and if rumour be correct—and I think we have more than rumour to go on—we have in fact the utterances of the Finance Minister in another place—an Order in Council has been passed within the last year by which a subsidy or loan of $10,000 per mile is to be given to the same section of the road provided for in the Act of 1891—more as a colonization road than as the initial section of a through Hudson Bay Railway, amounting in the whole to the sum of $2,500,000. It is true the government have no power to appropriate the revenues of the country without the sanction of Parliament, and I take it for granted that that Order in Council was passed with the provision that it was subject to the approval of Parliament. I cannot suppose that the government has done anything else, and if Parliament does not see fit to ratify the position the government has assumed there will be no harm done. Now, I need not dilate to any extent upon the present financial condition of this country. We all know that a deficit of some millions will be upon us during the present year, and that we are imperatively required under the circumstances to be most careful in regard to the public expenditures. I am happy to perceive that the Finance Minister fully realizing his responsibility under the circumstances has very largely cut down the estimates for the present year, and we are told further that no supplementary estimates are to be introduced. Whether this is to be taken as conclusive that the government does not intend to recommend a large subsidy or loan of two millions and a half to this section of the Hudson Bay Railway or not, I do not know. There are so many ways in which the expressions from a Minister in either branch of Parliament can be explained away, that it might be just possible that the government intend to adhere to their policy as foreshadowed in this Order in Council. I hope, however, such is not the case, but should it unfortunately turn out to be true that in the present depressed condition of our finances this large liability is to be added to the public indebtedness, I hope that the fate which overtook the Short Line Railway Bill a few years ago—and which redounded so largely to the credit of the Senate—will be meted out to this new endeavour to saddle the country with a new and unnecessary burden. If my information is correct, the subsidy is altogether excessive for the work which is intended to be done. If the whole line from Winnipeg to York Factory on the Hudson Bay were under contract, $10,000 per mile might not be too large a subsidy because the country from the Saskatchewan to the waters of the Hudson Bay is admitted to be a very difficult country for the construction of a railway, but the line from Winnipeg to the North Saskatchewan is admitted to go through a very fine agricultural country where the road can be built and equipped—it is said on good authority for seven or eight thousand dollars per mile. If this be the case, the House will perceive that the government must have committed itself to a very improvident bargain indeed. I shall await with interest the explanations I shall receive on this point, before commenting any further upon it, but I think it is necessary now that some expression of this House should have been had with regard to the policy of any further railway expenditure in the North-west at the present time at the expense of the Dominion. It must be admitted that having regard to the proportion of population, Manitoba and the North-west have railway communication and facilities greater than any other country perhaps in the world. Although I would be one of the first to do

anything in my power to open up that country and develop its resources, and would be willing to go as far as any man to construct a through line to Hudson Bay, if communication with the outside world for commercial purposes was feasible by that route—although I say I would be willing to go as far as any member of this House to support a scheme tending to that result, I do not believe even if we had all the information we would require—which we have not on these points, that at the present moment we are in a position to assume any fresh responsibility. I see by the papers recently that the contractors have gone out to Manitoba and intend to enter at once upon the work of construction. Now, I think it would be a kindness on our part to let them know that they should not do so hastily—they should not incur any expenditure until they are satisfied that Parliament is at the back of the government in regard to this project, and if they do, they should be given to understand it is at their own risk. They must be warned in time that if they make any mistake of this kind, it will give them no claim to be reimbursed their losses from the public funds. I will conclude my remarks which, to some extent, may, perhaps, be considered premature in the absence of the information I desire to obtain, by reading an extract from the Montreal *Gazette*, an organ not unfriendly to the government, the sound sense of whose article must commend it to the approval of this House :

A despatch from Ottawa brings information that Mr. Hugh Sutherland has gone west for the purpose of starting, with the new contractors, the construction of the Hudson Bay railway. The despatch adds that it is intended to begin building immediately at Gladstone, Manitoba, under the terms of the Order in Council passed on the subject. It would be prudent, in our opinion, before any liabilities are created in connection with this work that the contractors should be assured that the money to pay them will be forthcoming when earned, and that the government should be assured that the Order in Council will be approved by Parliament. Our understanding of the subject is that the Order in Council commits the Cabinet to nothing beyond a submission of the propositions of the company to Parliament with a favourable recommendation, so that if in the view of Parliament it is inexpedient and undesirable to burden the public finances with a large liability on account of this project, the responsibility of the government will at once terminate. The contractors, therefore, might do worse in their own interest than to refrain from spending money in connection with the work they have undertaken until their security is better determined. The business of the ministry is with Parliament and the public, and it would be well to ascertain the opinion of both upon the merits of the proposed aid to the Hudson Bay road before any steps in the direction of legislation are even attempted.

I hope this warning voice will be heeded by the promoters of the Hudson Bay Railway and that the work of construction will not be entered on until it is certain that Parliament is at the back of the government in regard to its new policy.

Hon. Mr. BOULTON—Before the hon. leader of the government replies to the hon. member from Richmond, I should like to take advantage of the question that has been put by the hon. member to give some information, as well as my views upon the subject that is now before this House, in view of the public interest that is being taken in the project, not only in the press of Canada but in the minds of a large number of people. Before proceeding with the subject I desire to point out this fact, that it is doubtful what the motive is for the opposition to the Hudson Bay Railway, whether it is in consequence of the possibility of its diverting trade and traffic from eastern channels, or whether it is in consequence of the large grant that it is proposed to give in aid of the enterprise. Probably a little of both may be the incentive that has led to the criticism that it is now receiving. I would, however, say this that so far as diverting trade and traffic from eastern channels is concerned, the people of Canada are now permitting, in consequence of the policy which is being pursued with regard to our trade and navigation laws, the wheat trade of that great western country to find its way by the city of New York to Europe instead of through the port of Montreal. We all know in the west that the bulk of the wheat trade of our western country found its way this year by way of Buffalo and the Erie Canal, through the port of New York, and if we are going to be satisfied that our trade and traffic shall pass through New York instead of by way of Montreal what objection can there be in allowing the Hudson Bay Railway to go on if we, in that western country, believe that it is a practicable route and that it is going to increase the competition that is absolutely essential to the welfare of the people in that country? The argument that the Hudson Bay Railway is going to divert

the trade and traffic is met by the statement you had better try and keep the trade of Canada in Canadian channels before you complain that we are trying to divert it to another route. At all events, if it goes by Hudson Bay, it will go through Canadian ports instead of through United States ports. One thing that we lack in that western country in our inland transportation is competition. Competition is absolutely necessary for our success. Without competition we are borne down by the monopoly of one or two railways, and it is impossible for us to conduct our operations and produce our grain and make a reasonable profit so as to induce our people to remain there for the benefit of the country, or to bring fresh immigrants there.

I should like to point out to hon. gentlemen this fact in relation to our transportation—it will come out when the report of the commission on freight rates is laid before this honourable House—that in the report of the Department of Railways and Canals last year, and in fact every year, you will find on page 467 a showing of the train mileage earnings of the various railways in Canada. Every railway in Canada is shown there, and you can see what its train mileage earnings are. It is by the train mileage earnings that the public can see what the railways are accomplishing. In the Canadian Pacific Railway returns the train mileage earnings are shown to be $1.50 per mile; in the Grand Trunk Railway returns $1.03 per mile, and Intercolonial 69cts. per train mile. In other words, the people of the western country have to bear a train mileage earning of $1.50—that is to say, the traffic that passes over their lines is charged amounts sufficient to pay an earning of $1.50 per train mile. The average rate that is charged to the people of the province of Ontario on the Grand Trunk Railway is $1.03 per train mile, and as I said before, in the case of the Intercolonial 69cts., and until the Minister of Railways took hold of the road and brought up the returns, it was, I believe only 49 cents per train mile that the people who provide traffic for the Intercolonial were paying. But I would further point out that the Canadian Pacific Railway is divided into two parts; 2,500 miles is east of Callander station, and 3,500 miles west of Callander station. All the 3,500 miles of road west of Callander station is supported by our western trade, and what through traffic may pass over it between the Atlantic and the Pacific. The traffic east of Callander on the 2,500 miles is mainly supported by the province of Ontario. When the Canadian Pacific Railway comes into competition with the Grand Trunk Railway, the train mileage earnings naturally come down to $1.03. When it comes into competition with roads in the maritime provinces, it must come down to that of the Intercolonial. Therefore, if the Canadian Pacific Railway earns on an average on 6,000 miles $1.50 per train mile, and it has to carry freight at a lower rate in the eastern section of the country, it is natural to suppose that they would have to charge us who supply the traffic in the North-west, $2.50 per train mile, which I think is about the average that the people in the western country have to pay for their traffic. Now, it is in order to get rid of this excessive burden by competition that the people of the west are so intent upon finding an outlet by way of Hudson Bay. I merely mention these rates in order to show hon. gentlemen the incentive that exists to secure an additional outlet and further competition in our western country. In order to do that, hon. gentlemen know what my views are with regard to the construction of the Hudson Bay Railway. They have always been that it should be constructed as a public work. I do not think, that any private corporation can take hold of the Hudson Bay Railway and build and carry it on successfully. The main incentive of many people to secure the construction of that road is to carry on the operation of constructing it and make what profits there may be in the construction of a road of that kind. After the resources supplied by public aid have been exhausted, then the road has to rely entirely upon the development of what we all admit is a difficult route at the present moment. There are many things that will have to be done in order to maintain the efficiency of the road and make it successful. For that reason, I have always held that it should be constructed as a public work. I do not know that the public mind is sufficiently advanced to induce the government or either of the governments in the west, or the government of Canada to undertake it as a public work at the present moment. Therefore, we go on to the consideration of the question that is put by the

hon. member from Richmond, as to the advisability of granting $10,000 per mile for 250 miles of the road as a direct bonus to the enterprise. I agree with my hon. friend that that is an excessive amount, that a bonus should not be granted in that way. There are modes in which the same ends could be arrived at without putting into the hands of the contractors and promoters of railways such a heavy asset in order that they may reap the benefit and profit of it themselves. Our experience in the west has been that the public aid that has been granted has not gone to the reduction of freight rates or to the maintenance of the road after expenditure has been exhausted—that it has been absorbed in the cost of construction, and I believe the result will be the same in regard to the construction of the Hudson Bay Railway, under the grant of $10,000 per mile. In my opinion, that great North-west country is going to support railways very profitably such as the Canadian Pacific Railway, the Manitoba and North-western, the North-west Central and South-western, when it becomes populated and people are producing traffic for export, and making wealth so that they can travel and bring in large quantities of merchandise. Every one of those lines is going to be self-supporting, and will yield a fair financial return in profits after the cost of operating has been fully provided for. I am now referring to those lines wholly situated in the prairie belt. All those lines that are situated outside the prairie belt, in the Rocky Mountains and between Lake Superior and easterly, will be supported by the production and trade of the prairie belt, but those lines that are in the prairie belt will of themselves be very profitable. I say, as one coming from that country, that any aid to those lines should be given in such a way that the whole burden will fall upon the traffic of the railway company itself. But what do we find? When a railway like the Manitoba and North-western, the North-west Central, or a colonization road such as the one now under consideration is to be built, we find that the bonds that are issued bear 6 per cent interest, and when they are put on the English market they do not realize more than 60, 70 or 80 cents on the dollar according to the confidence of the public in the company promoting it.

Hon. Mr. SCOTT—And they pay no interest. None of those roads are paying any interest—the Manitoba and North-western or the North-west Central.

Hon. Mr. BOULTON—I can tell you that the Manitoba and North-western Railway traffic earnings show, according to the report made at the investigation by the present bond-holders, that there was an earning of 1½ per cent on the bonds over and above the cost of operating the road.

Hon. Mr. CLEMOW—The road is in the hands of a receiver.

Hon. Mr. BOULTON—Yes, at the instigation of the company. There is a very great difference between being in the hands of a receiver at the instigation of the owners, and being in the hands of a receiver at the instigation of the creditors. Mr. Allan, the owner of the road, had a receiver appointed. However, I wish to lead up to the point: if you say it is never going to be profitable to build a road there, and never going to pay any interest and you will not give any aid, there will never be any development or any construction there.

Hon. Mr. McCALLUM—Never is a long time.

Hon. Mr. BOULTON—Well, it will be a long time as far as you and I are concerned. We want to see the development of the country proceed upon an intelligent basis. As I have said, in raising money to build these roads, the bonds bear 6 per cent interest. The amount we receive is not par value, but 60, 70 or 80 cents on the dollar as the case may be, and therefore there is not only a heavy burden of interest to pay on the bonds, but there is a heavy depreciation of capital which goes into the cost of constructing the road. I am perfectly confident that under ordinary circumstances those roads can bear their own burdens and pay their own way, but it takes a short time before a population can be placed in a new district opened out by a railway and become productive to create an earning power through its production In the case

of the Manitoba and North-western Railway to which the hon. leader of the opposition has referred, it starts at Portage la Prairie and goes out into the great western prairie where there is no terminus and no population. To Russell where I live there is only a weekly service. To Yorkton, the terminus, there is only a weekly service. You cannot expect rapid development under such circumstances, or great earning power, especially where there is no western connection with the Canadian Pacific Railway. Under the rates that are being charged at present on the Canadian Pacific Railway, it is self-evident that those portions of the line from Winnipeg westward in the province of Manitoba are eminently profitable. If they are not profitable where the population exists and production exists, what is it that maintains the mileage earning of $1.50 per mile? or for $2.50 per train mile as it must be in the case of the 3,500 miles west of Callander. I mention that to show that in the case of the Canadian Pacific Railway it is eminently profitable. Why is it profitable? Because the road maintains a daily through service and maintains itself in a state of efficiency that gives every facility to the population along the line to produce successfully so far as the management of the road is concerned. When it comes to the question of the division of profits between those who produce and those who take the money for the traffic, then I must diverge from them, but when it refers to the management of the road, I say they deserve all the success that has attended their management for the way they have conducted their road. We see the flourishing towns of Moosomin, Virden, Brandon and other towns along the line. We see prosperous settlements growing up every eight or ten miles along the railway. Is it not a great advantage to Canada that that should be so? If new districts can be opened up, will it not add to the wealth of Canada? Is not a great portion of the earnings of the people out there drained through eastern Canada in consequence of the distribution of the products of their industry year after year? Have we not in one year sent out 15,000,000 bushels of wheat and some 35,000 head of cattle? Is not that an advantage to the people of Canada? The people in eastern Canada are as much interested in the development of that western country as the people out there, and therefore we should approach this question not in a spirit of hostility or viewing it as a diversion of traffic to another route, but as a measure calculated to advance the prosperity of that country in order that the whole of Canada may benefit from the enormous exporting power it possesses. The soil is all ready for the plough, the grass is there for the cattle to feed upon and all that is needed is additional labour to extend the producing and exporting power of the people of Canada and to add to the greatness and wealth of the country. At the present moment the Hudson Bay Railway has a land grant of 6,400 acres per mile within the bounds of the province of Manitoba, and a land grant of 12,800 acres per mile beyond the boundaries of Manitoba. The route is divided into two portions; the first is looked upon as a colonization road, through a good region, and the other runs through a rocky region. Then there is a grant of $80,000 a year for twenty years in order to extend it as far as the Saskatchewan River. The promoters of the road found that they could not raise the money on that grant; they could not induce capitalists to go into it as a colonization railway upon such a magnificent grant as that. There must be something wrong with the credit of the country, or the railway credit of the country, or with the enterprise itself, if a grant of $80,000 a year for twenty years, backed by a land grant of six thousand four hundred acres per mile and the ownership of the railway itself going through a fertile country, does not induce capitalists to invest money. It may be a combination of the whole three which prevents capitalists taking hold of an enterprise of that kind. Unfortunately the Manitoba and North-western Railway has been placed in the hands of a receiver, and the North-west Central Railway has been placed in the hands of a receiver in consequence of a fight between the company and the contractor. It is the interest of Canada to assist in the development of country through which these railways pass, by promoting railway enterprise. It is utterly impossible for a man to drive his grain 50, 60, 70 or 80 miles to market. We can go out there and live no doubt—one might possibly go to the North Pole and live, but he would have to live out there alone. If a man going into that country and settles in a far off

region where he is unable to distribute the products of his industry, the country reaps very little benefit, indeed, from his labour. What I suggest is, that instead of handing over 6,400 acres of land per mile to the Hudson Bay Railway, and offering a subsidy in money as well, it would be far more feasible to retain the subsidy under the control of the government for the benefit of the country and of the people who are going to reside there. Let the government retain the land grant in their own hands. I say, without fear of contradiction by any one that knows that country, that the upset value of land in Manitoba and the North-west Territories—that is, land fairly fit for agricultural settlement—is $5 per acre, and I would a great deal rather purchase land at that figure near a railway, than do as I have done—take up a homestead and go through all the hardships of making a home away from a railway. The upset price of the Hudson Bay lands is $5 an acre, school lands the same. The North-west Land Co., and the Canadian Pacific Railway Co., are realizing on sales nearly the same. Instead of giving the lands to the railway company, the government should hold them in trust for the future development of the country, and throw the burden upon such a line as the present one in consideration, or any other railway in that country, so that when the country is developed, it may pay back to the public all that it may have secured in the way of aid.

Hon. Mr. POWER—After listening to what the hon. gentleman says with regard to the land grant, I do not see how he proposes to build the road.

Hon. Mr. BOULTON—I am coming to that.

Hon. Mr. SCOTT—Would the hon. gentleman tell us what population is settled north of Gladstone, say for 20 miles on each side of the projected line, for the first 200 miles?

Hon. Mr. BOULTON—The only means I have to answer the hon. gentleman's question is the report of the revising barrister who went out there the first time to make a list of voters. Recollect, the district that I am speaking about is the district that I represent in this House. He found in the Lake Dauphin district one thousand voters. That represents a population of, say, 2,500.

Hon. Mr. POIRIER—Five thousand.

Hon. Mr. BOULTON—There are a good many bachelors there. What I wish to say is this, that if the government were to guarantee the bonds of the line—I am not speaking of this line only, but take, say, the Manitoba and North-western, which is also a line that is hardly treated and wants assistance to reach Prince Albert—supposing the government were to take back the unearned land grant, and guarantee the bonds, take the first lien on the railway itself and then set aside 6,400 acres of land per mile to be specially hypothecated as security for the guarantee the government give the bonds, and let those bonds bear three per cent interest, what would be the result? The railway company would be able to get 100 cents on the bonds in consequence of the Dominion guarantee, so that there would be a dollar available for construction where there is only sixty or seventy cents available under the present system. Then, in addition to that, instead of paying six per cent interest on the bonds which the traffic has to bear, it would only have to pay three per cent, so that we would be gaining at both ends, gaining in capital available for the construction of the road, thereby cheapening the cost of it, and in the interest on the capital account, and when hon. gentlemen realize that we have to pay on an haulage of 1,000 miles of inland transportation, you will understand the importance of the question to us. Is the railway itself with all its equipment considered sufficient security for the road? If it is not, then you have 6,400 acres of land per mile of the public lands, set aside as collateral security, that the treasury will never be called upon to meet any obligation in connection with the line.

Hon. Mr. POWER—The country owns that land now.

Hon. Mr. BOULTON—You propose to give that away under the present system. You gave twenty-five millions of acres to the Canadian Pacific Railway, and two or three millions to the Manitoba and North-western. If you give them away they pass into private hands, and the $5 an acre that

is charged to the people has to be paid all the same. What I say is, do not give them the lands, but hold them as collateral security set aside for any particular guarantee that you may make in connection with the construction of a line in that north-western country. Apply the proceeds of sale to a reduction of the government's responsibility, and I say, without fear of contradiction, that within five or six years after the line has been constructed in that way, the traffic that the people will supply to the road, with that low rate of interest on the capital, will yield such a revenue that the government will never be called upon to pay a cent. I say further—issue a certain amount of bonds, say $15,000 a mile, and retain say $3,000 per mile of that in order to meet the first two or three years' interest. The cost of construction and equipment is about $12,000 per mile on praire land.

Hon. Mr. KAULBACH—Will the bonds float.

Hon. Mr. BOULTON—Yes, they will be readily taken up in the English market. In England anything that Canada's name is attached to, I am happy to say, is worth its face value. By doing that, the cost of constructing the road is cheapened, the interest is less, and the country benefits from the construction of the line. Now, in regard to the particular section of the country in question, there is another railway which we are interested in. We want to get direct connection with the Canadian Pacific Railway on the west. At present, if we want to send out a carload of butter, or if we want to bring in a carload of coal or shingles—if we want to communicate with the western markets, we have to send our produce and bring our supplies round by way of Portage la Prairie, which entails an additional mileage of 400 miles. We settled in our district (and a very fine district it is) expecting that the Canadian Pacific Railway would be built in that direction. For public reasons it was diverted from there to a more southern line, and at present we have no direct connection with the west. We are put under an unnecessary and heavy tax to make our western connections. In addition to that, Regina is the capital of the North-west Territories. I am on the boundary between Manitoba and the North-west Territory, and the people who live immediately west of me have all their associations with Regina, while I have to come east to Winnipeg. All the witnesses and judges who have dealings out there, have to come around by Portage la Prairie, or else drive 150 miles. Hon. gentlemen will remember that I applied for a charter for the purpose of bridging that difficulty if possible. There is a railway called the Wood Mountain and Qu'Appelle Railway, whose bonds were issued and lodged in a London bank, and the company were ready to go on with the construction of the road, but on the land grant alone they could not raise the money. As I came through Winnipeg, there was a complaint made to me there by the people interested in the Wood Mountain and Qu'Appelle Railway that the land set aside for the promotion of that particular railway had been taken to promote the Hudson Bay Railway. Now, let us utilize the lands of that western country instead of alienating and dissipating them, as we have done. Do not place them in the hands of any one company. I do not find fault with the policy heretofore pursued, because it was done for the best at the time, but if we find that it has not accomplished all the results that we expected it would, can we not find a more intelligent way of developing that country by adopting another system. What I recommend is that the government, instead of giving these lands away to a railway company, should utilize them in some such way as I suggest, and by doing so the Manitoba and North-western Railway, which is now in the hands of a receiver, would effect a western connection with Regina, and we would have a direct connection with the city of Winnipeg in the east and Regina in the west. The Great North-west Central would enjoy the same advantage. One of the difficulties we suffer from is the sparseness of our population, odd-numbered sections alienated and vacant. If the government were to put $5.00 an acre on the odd-numbered sections, throw them open for settlement on the payment of 3 per cent interest on that amount annually until paid for, settlers without capital could then enter into settlement on a rental of $24.00 per year. Settlement would then be promoted, and a revenue would be derivable from our public resources which could be husbanded for future development. The moment you put the Manitoba and North-western in that connection, you enable them to maintain a daily

train service past our door through to Regina and make it a profitable route, where to-day it is in the hands of a receiver. Take the Manitoba and North-western Railway in its promotion to Prince Albert; we all want to see it built on to Prince Albert, and Battleford and Edmonton, and so on, across the continent because the country is a fine country along the whole route, pronounced by Government surveyors to be the fertile belt. It will pay the country; it will be a profitable investment for Canada. It will be a great aid in the distribution of the profits of labour and industry in that country. It is a country capable of great production, and we can find a profitable market in Great Britain for every single thing that we grow. It has been stated that we cannot grow wheat as cheaply or as successfully there as they can in other countries. That is a mistake, while perhaps we cannot grow it as cheaply as the Argentine Republic, we can grow much better wheat, which makes up for a portionof the difference. The value of wheat in the North-west country is 15c. more than in Ontario. Its value is actually in the baking power of the flour made from the wheat. A bag of flour which was manufactured up there was brought down here and tested in Belleville, or Trenton, or somewhere, against a bag of Ontario flour, and it made 12 pounds more bread per 100 lbs. of flour. There is the difference—one is soft wheat and the other hard wheat. These are facts which cannot be ignored. That gives a value to our wheat which the wheat of the Argentine Republic and other places does not possess. Therefore, while the country is eminently fitted for mixed farming, still there will always be a large amount of wheat grown. I will not detain the House any longer explaining my views in regard to this, beyond saying that the Lake Dauphin district is one which should have a railway built to it as soon as possible. There is a large population there, and they are 70 or 80 miles away from any communication. I see that the public press has stated that the Hudson Bay Railway parallels the Manitoba and North-western. In the press yesterday, I read an interview with Mr. Sutherland as to the proposed route. He spoke of utilizing the 40 miles that had been built, and then diverting the line round by the south of Lake Manitoba, and then extending northward on the west side of Lake Manitoba. Now, hon. gentlemen, I do not think that that would be an intelligent route at all; I think it is an impossible route. As the hon. gentleman from Richmond says with regard to proceeding with the construction of that road before anything can be done at all, the engineers have to go in and the plan must be prepared and approved by the government; so that no expense can be incurred by the government or anybody else, until that is done. Further than that, the Hudson Bay Railway route is defined by statutory enactment. In the statutes of 1887, page 100, you will find an Act consolidating and amending the Acts relating to this company, and in the third section of that Act the route is defined as starting from Winnipeg northerly to Port Nelson, or Churchill, or some other point of the Hudson Bay, and to construct a branch from any point on its main line, at or near the crossing of the Saskatchewan River to a point on the Canadian Pacific Railway west of Lake Winnipegosis. Now the rule is, the route must be as straight to given points as possible. The statute of 1890, page 108, extends the time for completion of the main line to the Saskatchewan to four years from 21st June, 1890. The statute of 1891, page 88, says that the line of railway to be constructed south of Saskatchewan shall not be commenced until the location of the line is approved by the Governor General in Council. The statute of 1894, page 175, changes the name subject to former enactments of Hudson Bay Railway; therefore the location is governed by the enactment of 1887. If so, it would appear the Hudson Bay Railway must go between Lakes Manitoba and Winnipeg, which would not be serving the Lake Dauphin district, the immediate purpose we have in view. We want to see a road built by some company in some way into the Lake Dauphin district. We want to see the Manitoba and North-west Railway extended to Prince Albert, and the North-west Central extended to a point of junction with the Manitoba and North-west and both routes afforded a western connection with the Canadian Pacific Railway at Regina. We cannot move without public aid, and the lands that are now being given to the Hudson Bay Railway will provide aid and means for the construction of every one of these roads under the system of public aid that I have suggested, by the

Government guaranteeing the bonds at 3 per cent salable only at par and holding the railway companies responsible for the payment of interest by a lien of the land and in the hands of the government and a lien on the railways. By that means, the public treasury is not depleted and the same lands will be available for future development elsewhere.

Hon. Mr. McCALLUM—You do not want the Hudson Bay Railway?

Hon. Mr. BOULTON—Yes, I tell you I think the Hudson Bay Railway should be built as a public work. We want the Hudson Bay Railway, and we are going to get there as quickly as we can, but the enterprise has to wait on public opinion. What I wish to point out is that the 6,400 acres per mile that is alienated and given to one road, if utilized in the way I speak of will build 1,700 miles, if the roads are built in sections where they will make a return and pay their own interest. It is purely a matter of economy that I am speaking of, and it is not in any hostility to the Hudson Bay road. I know the feelings of the people of Manitoba with reference to that Hudson Bay. They look to that great inland sea as placed by nature for their advantage, in order to provide an additional and cheaper outlet for them to the seaboard.

Hon. Mr. McCALLUM—As the hon. gentleman has used my name in seconding the motion, I may be permitted to make a few remarks. I have always been favourable, since the North-west country was opened up, to giving that country an outlet to the ocean, and when my hon. friend says that we are opposed to the Hudson Bay Railway because we are afraid that it is going to divert the trade of the country from the St. Lawrence route, does he for a moment think what amount of money it will cost to get from the North-west to the St. Lawrence? Does he know that our canals have not been deepened yet? And until the canals are deepened, how can we look for the trade of that North-west to go to the St. Lawrence?

Hon. Mr. BOULTON—Is the Erie canal deepened?

Hon. Mr. McCALLUM—I am speaking of the canals of Canada. The trade that goes from Canada to the United States goes by railway, not by the Erie Canal. How much money have we spent on deepening the St. Lawrence, enlarging our canals, building the Canadian Pacific Railway, and building the Sault Ste. Marie Canal? For whom was that money expended? Was not that for the people of the North-west as well as for the people of the other provinces? I feel as much interest in the welfare of the North-west as my hon. friend does. He tells us that he wants the government to keep the land and the cash too. If the government is to keep the land and the cash, how is the railway going to be built? This Hudson Bay Railway has been before the country a long time. If the project is feasible, if there is proof before the people of this country that it is feasible and that it would be an advantage to the North-west and to this part of the country, I should willingly support it, but I will not support a wildcat scheme and burden the people of this country with that large expenditure of money. We should husband our resources. I always support railways in the North-west as far as I can, and am willing to do it to-day if it is right and reasonable, but I am not going to support a mad scheme, to go through the icebergs, when we have spent so much money to improve the St. Lawrence route. I feel that every member in this House knows as much about the subject as I do. The leader of the government knows that, and must have considered it in all its bearings, and he knows better whether the country will sustain him in spending money on the Hudson Bay Railway, but whether he does or not, I shall not by my vote support such a project.

Hon. Mr. KAULBACH—My hon. friend thinks that we consider it necessary that all the trade of that western country should come through the St. Lawrence. I do not look at the matter in that selfish light. I believe that the Hudson Bay Railway is a national undertaking, a national enterprise, in which a large area of Canada is interested. From the first time I entered this Parliament until now, I have been a strenuous advocate of that road, and I agree with the hon. member from Marquette that nature intended Hudson Bay to be a highway to open up that great North-west country and Manitoba, and an outlet for the products of that country. I do not look upon this as a

Manitoba question at all. The greater part of Canada is as much interested in it as Manitoba is. To build a railway as far north as the Saskatchewan must eventually lead to the tapping of that road by branch lines into the far North-west. Now, my hon. friend from Richmond agreed with me in 1891. We both advocated that the government should grant $80,000 a year for twenty years in aid of the Hudson Bay Railway and a land grant of 6,400 acres per mile. He thought it in the public interest that that road should be constructed, not as far as North Saskatchewan only, but the whole road through to Hudson Bay and I think he must be in error now as to the Order in Council.

Hon. Mr. MILLER—I said in 1891—and I would adhere to it still if the resources of the country would permit it—that even if the opening of the Hudson Bay Railway interfered with the traffic which we expected from the large expenditure on the Canadian Pacific Railway, drawing freight to the Gulf of St. Lawrence, I would still support it as a national undertaking; that is, if it could be shown that the road was feasible.

Hon. Mr. KAULBACH—I think my hon. friend considered at the time, as far as his information went, that it was feasible.

Hon. Mr. MILLER—No.

Hon. Mr. KAULBACH—And he thought the resources of the country would warrant that expenditure?

Hon. Mr. MILLER—No.

Hon. Mr. KAULBACH—He says now that the financial depression does not justify us at the present moment in making the expenditure. I think that is the burden of his remarks.

Hon. Mr. MILLER—Yes, to-day.

Hon. Mr. KAULBACH—Well, I look upon this as being simply a loan or substitute of so much money to the company in lieu of what was granted in 1891. They found that they could not build the road, and this is simply to help them along, 250 miles at $10,000 a mile, and being a loan, merely an advance, we were to take the rolling stock, the land grants, and any subsidy that might be given as security for the repayment of our money. I trust that the Order in Council is upon condition that Canada is to be freed from all liability to the company under the legislation of 1891. If the road is built as far as North Saskatchewan, I believe it will not end there, I believe that public spirit will so manifest itself that the road will go through to Hudson Bay, and then I have no doubt that there will be navigation to Europe. The straits are navigable, I believe. We had that question before us long ago, and it was proved that for hundreds of years sailing vessels passed in and out of the bay, and we would be able to overcome all the difficulties in the way of navigation in the straits. I have no doubt if a railway is built to the bay it will lead to the opening of a large trade. I do not believe that we will be able to fill up that section of the North-west Territory until we have that railway to Hudson Bay. Last autumn when the leader of the opposition was gallavanting through the North-west Territories and Manitoba, angling for votes, he spoke of the Hudson Bay Railway as a great enterprise.

Hon. Mr. POWER—The hon. gentleman is quoting the Montreal *Gazette*.

Hon. Mr. KAULBACH—I am not drawing on my imagination or quoting the Montreal *Gazette*, but my information may have come from that. However, he was up there last autumn when he was angling for votes. He said it was his desire and his hope that on his advent to power the railway from Manitoba to Hudson Bay would be completed at an early day. The government here and the country are committed to this railway—at least as far as North Saskatchewan—as part of the whole route, and we undertake to give $80,000 every year for 20 years, and I consider now that we are not in a position to take a gloomy view of things. Yet our expenditure should be kept within the limits of our income. It is true that we have gone through a period of depression and that the expenditure this month has been $450,000 larger than it was in the correspoding period last year, but it is the fag end of the depression, and we begin to see daylight and sunshine. The reaction will set in, and it will be as decided as the depression while it existed. Therefore, I

believe that the government is ready to advise Parliament to give this money as an advance and simply as a loan or substitution for what we are now obliged to give the company. I cannot see how much more the burden would be upon the country than they are already committed to. I cannot see that it is a large amount or how the country is committed when it is a mere advance, a mere loan. If the government has given this undertaking and assured these parties that this arrangement will be carried out, I for one will support them in it.

Hon. Sir MACKENZIE BOWELL—The manner in which this subject has been introduced to the House is indicative of the feeling that is held by a number of gentlemen upon this very important question. No one can complain of the tone or manner in which the hon. mover has brought the subject before us. He has, however, been misled by the newspaper reports which have appeared at various times. I shall not enter at present into a discussion of the merits or demerits of the action of the government, because I think it would be much better understood when the papers come before the House. I desire, however, in the few remarks I shall make, to call attention to one or two statements which the hon. mover made, the information having been derived by him from newspaper statements and not from any official source. There has been no subsidy of $10,000 per mile agreed upon, or offered, or even suggested, in addition to $80,000 per annum which the government and Parliament of Canada are now pledged to, in consideration of certain services which are to be rendered, nor is there any additional grant offered or proposed. It is a rearrangement of the liabilities of Canada, in consideration of the surrender of all the liabilities that they are now under in order to assist the road. The House is aware that the government is now pledged to a land grant of 6,400 acres per mile, and a payment of $80,000 per annum for 20 years in aid of the construction of the road. The $80,000, as I have already intimated, is in consideration of postal service, etc. The present proposition, or the Order in Council, which the hon. gentleman will better understand when it is laid before the House, is simply a rearrangement, or in other words, a loan of $10,000 per mile for a certain length of time, for which the company surrenders, or rather gives in security, the $80,000 per annum and the 6,400 acres per mile. I know that people will say that this is taking back the land which belongs to us, and it is giving security upon $80,000 per annum to which we are now pledged which we need not give if the road is not built. That is quite true, but these are liabilities into which the country has entered, and which we are bound to pay in case they construct the road. They have represented to the government that they could not, with those securities, float the bonds and obtain the money and they asked for a rearrangement, or readjustment of the aid which was to be given. Now that is as much explanation as probably, is necessary for the House at the present moment. As to the merits of that rearrangement, that is a question for members to discuss and to approve or disapprove when it is submitted to them ; as my hon. friend to my right says, it is subject to the approval of Parliament. The constitutional procedure to which the hon. gentleman from Richmond referred is the correct one ; no government has the power to bind itself to pay any public money or to make any readjustment of a contract into which they have entered with any company or with any individual without the consent of Parliament. That is really the whole position. I am sure my hon. friend from Richmond will be glad to know that the government were not so regardless of the interests of the country, or so lavish in their promises in aid of the construction of the road, as to pledge themselves to a grant of $10,000 per mile in addition to the 6,400 acres of land which they had agreed to give, and the $80,000 per annum. Such is not the case. I shall not enter into a discussion of the trade policy, or the effect of the trade policy of the government referred to by the hon. member from Marquette. It opens up a very wide field, and I know that the hon. gentleman is very much interested in that subject. He enters into the details minutely. When his motion is made it will be then a question more legitimately for discussion as to whether our policy tends to the diversion of trade to New York, or whether we should surrender what rights we have now in support of our own shipping by which the trade of the country is carried on. It is a question which I shall be quite prepared to discuss when it arises. I may say that the government has

shown not only a disposition, but it has laid before Parliament repeatedly a number of propositions, to aid in the development of the great North-west, and I am not boasting when I say that few governments would have gone further. It is a very grave question whether we have gone too far, as intimated, and very properly so, by the hon. member for Richmond, considering the finances of the country. That is a question that we may possibly discuss more intelligently when the papers are laid before the House. I will see that all the papers asked for contained in the motion are laid before the Senate at the earliest possible moment.

Hon. Mr. SCOTT—Before the rearrangement is carried out, I should like to ask whether it is to be made the subject of an Act of Parliament. There have been occasions when a resolution passed by the Privy Council has been approved by the other chamber and has sometimes been acted upon. What I desire to know is whether this rearrangement will be made the subject of legislation, and whether both Houses will be asked to pronounce upon it.

Hon. Sir MACKENZIE BOWELL—I was under the impression that I had made that statement. The arrangement is subject to the approval of Parliament, and occupies the same position as the Short Line proposition.

Hon. Mr. LOUGHEED—I should like to ask, is this subsidy conditional upon the road being constructed as a through road, or simply as a colonization road? Has any assurance, or financial guarantee been lodged with the government as to the ability of the present company to complete the road?

Hon. Sir MACKENZIE BOWELL—The change in the contract, or the agreement with the company, relates only to the extension of the road as far as Saskatchewan. There have been no securities lodged, and we were not in a position to enter into any contract or any agreement with that company, until the approval of Parliament had been obtained.

Hon. Mr. LOUGHEED—Then it is only as a colonization road that the government is coming to the assistance of the company, I understand?

Hon. Mr. POWER—The hon. leader of the government spoke of the change in the manner of giving the subsidy to this company as a mere rearrangement, and he rather gave the House to understand that there was not any reason why the hon. gentleman from Richmond, or any other hon. gentleman, should be at all disturbed; that we were not increasing our liabilities, but simply rearranging them, putting them in better form. That reminds me of the old story told in 1878 when the people down in the lower provinces were a little nervous, having heard talk about increasing the tariff, and when Sir Leonard Tilley telegraphed to Sir John Macdonald at Ottawa to know if it was intended to increase the tariff, that astute gentleman telegraphed back that he did not mean to increase the tariff, but only to readjust it. This is a case of readjustment something like that.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has scarcely quoted my words as I uttered them. However, as it enables him to draw a deduction, I do not object to it.

Hon. Mr. POWER—I do not wish to attribute to the hon. gentleman language which he did not use. While the premier's language may be in a certain sense correct, it does not tell the whole story. As the legislation stands to-day, before Canada could be called upon to pay a dollar, the road has to be built and in operation. Then the company are entitled to get a land grant, and a subsidy of $80,000 a year. If the people who took hold of the undertaking were substantial capitalists, that ought to be a satisfactory proposal to them, but the new proposition does not bind the company to do anything. They get $10,000 a mile for the road as it is constructed, and they may drop——

Hon. Sir MACKENIE BOWELL—That only shows the inconvenience of discussing in detail a question which is not properly before the House. The hon. gentleman says they are not bound to do anything; they are. The Order in Council lays down what they are to do.

Hon. Mr. POWER—We have had a good many other companies in the North-west

building colonization roads, and they have got into difficulties. They constructed their lines to a certain extent, and had to discontinue the work and those roads are in a much more favourable country than the section which is to be traversed by this road. It is just possible that when the papers asked for by the motion of the honourable gentleman from Richmond, come down, the government and Parliament–the government at any rate–will be so far committed to this scheme that it will be almost impossible, or at all events impracticable, to withdraw We find the contractors, or would be contractors are not waiting. They are going to work apparently as if they felt certain that this grant was to be made. I think that Parliament should express its opinion upon the matter before steps have been taken which perhaps cannot be undone. I do not wish to inflict a speech upon the House if we have an undertaking from the leader of the government that the papers will be laid upon the table promptly.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

The motion was agreed to.

## CIVIL SERVICE ACT AMENDMENT BILL.

Hon. Mr. ANGERS introduced Bill (E) "An Act to amend the Civil Service Act." He said: The object of this bill is to provide for the necessary proceedings in cases of irregularity and fraud practised at the examinations of persons seeking for certificates. It provides that in case of refusal of persons to answer questions, they may be committed for contempt.

The bill was read the first time.

## THE INSOLVENCY BILL.

MOTION.

Hon. Sir MACKENZIE BOWELL—The Senate will remember that last year when we introduced the Insolvency Bill, there was a great demand for copies of it, particularly by the commercial community throughout the whole Dominion, and in orderto meet that demand we ordered the printing of 2,500 in English and 1,000 in French. I do not think it necessary that we should go to that expense this time, and I was thinking that if we ordered the printing of just one-half the number, it would be quite sufficient on the present occasion. With the concurrence of the Senate, I move:

That in addition to the regular number of copies of bill (A) entitled: "An Act respecting Insolvency," 1,250 copies in English and 500 copies in French be printed for general distribution.

Hon. Mr. KAULBACH—Are the amendments that have been proposed of such importance as to justify another issue of the bill? Would not a leaf, showing where the amendments come in, be sufficient without having the bill printed entirely?

Hon. Sir MACKENZIE BOWELL—There is no amendment in principle proposed in the bill; it is more in the verbiage, and changing sentences and rearranging some clauses. As I explained when I introduced the bill, the changes which were made in special committee, and also the changes and alterations which were made at the table in the House, were somewhat in conflict with some of the other clauses as originally drafted, and this is simply a rearrangement of the whole bill. The changes are not of sufficient importance to justify a reprint after we have reconsidered it here.

Hon. Mr. KAULBACH—What I wished to know was whether the changes were of sufficient importance to necessitate the printing of a new edition.

The motion was agreed to.

The Senate adjourned at 5.05 p.m.

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## THE SENATE.

*Ottawa, Friday, 3rd May, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## AN ADJOURNMENT.

MOTION.

Hon. Mr. BOLDUC moved:

That when the Senate adjourns this day, it do stand adjourned until Tuesday, the 21st instant, at eight o'clock in the evening.

Hon. Mr. KAULBACH—I would ask the leader of the House if this long adjournment meets with his approval.

Hon. Sir MACKENZIE BOWELL—The only answer that I can possibly give to the hon. gentleman's question is that it appears to be the desire of a majority of the Senate. Personally I do not approve of it. The discussion on the budget and the questions arising out of it in the other House will probably occupy some time and until that debate is over there will be very little for this House to do.

The motion was agreed to.

## THE SENATE DEBATES.

### MOTION.

Hon. Mr. BELLEROSE moved the adoption of the first report of the Standing Committee on Debates and Reporting. He said:—The report is divided into three parts. The first part directs the attention of the House to the system adopted last session. The reporters are required to send their manuscript to the printers without delay, and on receipt of the proofs to deliver them to the members whose speeches appear on them. Then, 24 hours thereafter, if the proofs are not returned corrected, the reporters are instructed to notify the Printing Bureau to proceed with the publication of the daily issue. The system has been adopted to avoid delay in the publication of the Debates. The second part of the report recommends the employment of Mr. Smith to furnish a daily summary of our debates and proceedings for the press. Some such report is necessary if the public are to be kept informed from day to day of what takes place in this House. As the service will not cost more than from $300 to $500 per session, no objection can be raised to giving it a trial at all events. The third part of the report recommends that a convenient room be provided for the reporters. Every member of this House knows that the room occupied by the reporters is too small for their work, and when the session extends late into the spring or into the summer, it is not only too small but too warm. The recommendation of the committee is that the reporters be furnished a larger and better ventilated room.

Hon. Mr. KAULBACH—Is this additional reporter, Mr. Smith, a stenographer, and is he employed to assist in reporting the Debates, or simply to prepare a summary for the papers?

Hon. Mr. BELLEROSE—His duty is to prepare a summary of the debates and proceedings, which he will send to 27 or 28 newspapers.

Hon. Mr. KAULBACH—It is a question for the House to consider whether it is advisable to incur that additional expenditure.

Hon. Mr. McINNES (B. C.)—It is a small matter.

Hon. Mr. KAULBACH—Small as it is, I think it is an unnecessary expenditure, for which I do not think we will get value.

The motion was agreed to.

The Senate adjourned at 3.40 P. M.

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## THE SENATE.

*Ottawa, Tuesday, 21st May, 1895.*

THE SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

## BILLS INTRODUCED.

Bill (F) "An Act to amend an Act intituled: 'An Act respecting Copyright.'" (Mr. Angers.)

Bill (G) "An Act further to amend the Indian Act."—(Sir Mackenzie Bowell.)

## THE MANITOBA SCHOOL CASE.

Hon. Sir MACKENZIE BOWELL presented a message from His Excellency transmitting the report of the proceedings of the Judicial Committee of the Privy Council on the Manitoba School case, prepared by the appellants' solicitor in London.

The message was read in English.

Hon. Mr. BELLEROSE—I wish to call attention to the fact that it has been customary to read these messages from the Governor General in French as well as in

English. I know that some of the Governors made it a practice to send French as well as English copies. Generally we do not ask to have the whole of the message read in French, contenting ourselves with a few words to give an idea of what it is about.

The message was then read in French.

## CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (E) "An Act further to amend the Civil Service Act." He said: The main object of the bill is to provide for enforcing the attendance of witnesses and for their punishment for contempt in case they fail to attend. The Act, as it stands, at first sight seems to provide for this, but it gives to the chairman only such power as in like cases was conferred upon a justice by section 32 of the Summary Convictions Act, and upon reference to that section it will be seen that it does not apply to the case of default by non-appearance, but only to the case of refusing to answer. The Bill, therefore, gives the power of a justice under section 582 of the Criminal Code in case of default by non-appearance, and the power of a justice of the peace under section 585 of the Criminal Code.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (27) "An Act respecting the Alberta Railway and Coal Company."—(Mr. McMillan.)

Bill (30) "An Act to incorporate the Deschenes Bridge Company."—(Mr. McLaren.)

Bill (36) "An Act to amend the Act incorporating the Canada and Michigan Tunnel Company, and to change the name of the company to the Canada and Michigan Bridge and Tunnel Company."—(Mr. McMillan.)

Bill (32) "An Act respecting the Ottawa, Arnprior and Parry Sound Railway Company."—(Mr. McLaren.)

Bill (50) "An Act respecting the Manitoba and South-eastern Railway Company."—(Mr. Bernier.)

The Senate adjourned 8.50 p.m.

## THE SENATE.

*Ottawa, Wednesday, 22nd May, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## CIVIL SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (E) "An Act further to amend the Civil Service Act."

In the Committee.

Hon. Mr. ANGERS—Certain frauds have been committed before the Board of Examiners for the Civil Service. Prosecutions were instituted for these infringements of the law, and it has been found that the board has not sufficient power to enforce the attendance of witnesses and to pronounce condemnation for contempt in the case of witnesses refusing to appear, and also in the case of refusing to answer questions. The object of the bill is to give the board the same powers that are possessed by justices of the peace under secs. 582 and 583 of the Criminal Code.

Hon. Mr. KAULBACH—I think my hon. friend might extend the power of the board of examiners in this instance and not make it simply the power of a magistrate. If the board of examiners are satisfied, from what knowledge they have, that a party can give material evidence, and he does not appear on summons, or evades service, I think they should have power to issue a warrant without having to go through the form necessary in the case of a magistrate. A magistrate must have an affidavit produced before him that a party is able to give material evidence. If the examiners are satisfied that he can give material evidence, with the facts there before them, then I do not see why they should be obliged to have an affidavit that the man is able to give that evidence. The examiners may be fully invested with the knowledge that a party can give that evidence, and if he either does not attend to answer the summons, or evades the service of summons, then I think the

power might be fairly given to the board of examiners to issue a warrant without the affidavit. My hon. friend shakes his head; my impression is that that is not an arbitrary power to give them. If they are satisfied that he can give evidence, they should be able to issue their warrant without an affidavit that the party can give material evidence; otherwise the ends of justice may be defeated, and a proper affidavit might not be obtainable at the time. Greater powers might be given to examiners to issue a warrant on it appearing that the man has evaded service, or, having been served, has refused to attend.

Hon. Mr. ANGERS—I am sorry that I cannot agree with my hon. friend upon this point. It must be recollected that we are dealing with the liberty of the subject in a case of this kind. This procedure is to be followed by imprisonment and a fine. When you come to deprive a man of his liberty because he did not attend the court or tribunal, you should establish, in the case of a civil servant as well as in ordinary criminal cases, that the man is a competent witness, and that the person making the affidavit is credibly informed that he can supply material evidence, and that he has been properly served and summoned to come before the board. Therefore, I think the same precautions that are taken in the ordinary criminal courts, before they send a man to jail for contempt, should also be observed in a case before a Board of this kind. I hope, therefore, that the hon. gentleman will waive his objection, as he will understand that, in dealing with the liberty of the subject, too many precautions cannot be taken.

Hon. Mr. LANDRY, from the committee, reported the bill without amendment.

## SECOND READINGS.

Bill (B) "An Act for the relief of William Wallace Colton."—(Mr. Clemow.)

Bill (C) "An Act for the relief of Mary Bradshaw Falding."—(Mr. Clemow.)

Bill (D) "An Act for the relief of Helen Woodburn Jarvis."—(Mr. Clemow.)



## BILLS INTRODUCED.

Bill (33) "An Act to amend the Act to grant certain powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited."—(Mr. McCallum.)

Bill (29) "An Act to incorporate the James Maclaren Co., Limited."—(Mr. McLaren.)

The Senate adjourned at 4 p.m.

## THE SENATE.

*Ottawa, Monday, 27th May, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## A QUESTION OF PRIVILEGE.

Hon. Mr. McINNES (B.C.)—Before the orders of the day are proceeded with, I desire to address the House on a question of privilege. I wish to call the attention of the Senate to a letter which appeared in the Ottawa *Citizen* of last Thursday. It is as follows:—

### BRITISH COLUMBIA PENITENTIARY.

Editor *Citizen*: In the first paragraph published on this institution in this morning's issue of the *Citizen*, the following is quoted from my annual report to the Minister of Justice: "The subsequent career of many of the witnesses, notably of the accountant and storekeeper (a nephew of Senator McInnes, of British Columbia,) etc." This is an error. It is not W. H. Keary, the dismissed accountant, but Thomas McInnes, late steward, and now a refugee in the United States, who is nephew of the polished and amiable Senator referred to.

The two quotations in the third paragraph appear to involve a contradiction. I said, "As might be expected, the penitentiary was deteriorating these last two years." And again, "My inspection of this institution not having been made since October, 1892, I have no information to give regarding its administration." This means information derived from my own personal knowledge and observation, but in my official capacity as inspector. I had other sources of information, even from the acting warden, which enabled me to form an opinion as to the incompetency and shortcoming of the present administration of the penitentiary. Hence the two statements can be reconciled as facts without being a "fling."

Yours truly,
J. G. MOYLAN.

OTTAWA, 22nd May.

With respect to the first part of that letter, I may say that I had a nephew in the position of steward in the British Columbia penitentiary for 12 or 14 years. During the investigation held last year, under a royal commission appointed by the Federal Government to investigate the irregularities in that institution, not one fact came out which would connect him with any wrongdoing in that institution. I have not seen the report of the commissioner, Mr. Justice Drake, since it was brought down in the other House, but I am aware that there was nothing in the evidence to show that he was in any way whatever connected with anything dishonourable or discreditable to himself or to anybody belonging to him. It is true that the accountant was discharged at the same time that the warden and deputy warden were discharged in October last, but my nephew was not discharged. He continued to perform his duties as steward of that institution until October last, when, of his own free will and accord, he resigned the position and went to live in the United States. To say that he was a refguee in the United States is an unqualified falsehood, and I am forced to state that this man Moylan, when he wrote those words, knew that he was writing that which was not true. With respect to the accountant, whose character Mr. Moylan wishes to impeach, I may say that he has occupied the position of alderman in the city of New Westminster for a great many years and is a man who is respected generally in that place. His bare word, as well as that of my nephew and of nearly every person who gave evidence on that occasion, would be taken in preference to the sworn statement of Fitzsimmons, or the late Inspector of Penitentiaries either. I do not intend to analyse that report. I shall wait until all the papers are before the House, when every member of the Senate will be in a position to see for himself that I was right when a number of years ago I called attention to grave irregularities in the penitentiary. The investigation proved a great deal more than I even insinuated on that occasion, but I want to call the attention of the House to this fact that ever since I made those statements on the floor of the Senate this man Moylan has on every occasion that presented itself insulted not only me but other members of this House, and that too under the authority of the Government in his annual report. I would call the attention of the hon. Premier to the fact that there was no necessity whatever for Mr. Moylan, the late inspector, to announce the fact in his report that this Thomas A. McInnes was a nephew of mine. I am not ashamed of that nephew, but I would ask, in all fairness, am I to be held responsible for the actions of a nephew, or even of a much nearer relative? Would any hon. gentlemen here be held responsible for the actions of their friends, however near and dear they may be to them, so long as those friends are not under their control or influence and are of the full age of responsibility? This was a gratuitous insult, not only to me individually, but to every member occupying a seat in this House.

Hon. Mr. KAULBACH—I would ask my hon. friend and the House whether, on a question of privilege, the hon. gentleman can make a speech reflecting upon the character of a gentleman of intelligence and integrity, who is well known in the community and to the public at large? I do not think he can do this simply on a letter found in a newspaper.

Hon. Mr. MILLER—The point is, whether when a writer in a newspaper, or the newspaper itself, calls a senator's nephew a fugitive from justice, the senator can claim the right, as a question of privilege, to defend his nephew, and attack the newspaper writer. He certainly cannot.

Hon. Mr. McINNES—Before a decision is given on the point that has been raised, I wish to call the attention of the hon. gentleman who has just spoken, and also of the hon. gentleman who has raised this question of order, to the fact that on two different occasions, to my personal knowledge, a question has been brought up in precisely the same way as I have brought this up. When the hon. gentleman from Delanaudière was attacked, by this imputent fellow Moylan, I brought it up myself, and it was discussed here for some two or three hours —the whole of one afternoon—by more than a dozen hon. gentlemen on the floor of this House.

Hon. Mr. MILLER—If the hon. gentleman himself were attacked he would have a right to defend himself if it came under the class of privilege, but we have no right to

take advantage of our seats in this House to defend anybody but ourselves on a question of privilege.

Hon. Mr. McINNES—That is precisely what I am doing.

Hon. Mr. MACDONALD (B.C.)—The hon. member from Richmond will see this; a government official attacks a member of this House and tries to connect his name with a criminal, a person whose word is alleged to be unreliable, and this House ought to give every liberty and facility to that hon. gentleman to clear his own character, and if he attacks Mr. Moylan for going out of his way to put his name in a report where it should not be, Mr. Moylan deserves all the lashing this House can give him.

Hon. Mr. MILLER—I am not here as the advocate of Mr. Moylan. I am not expressing approval of anything that Mr. Moylan has done. I have not read his letter. I am not prepared to say what judgment I would pass upon it if I did read it. But the point to which I wish to call the attention of the House is this, that I do not think it is within the scope of the question of privilege for a member to attempt to defend any one but himself.

Hon. Mr. McINNES—I quite agree with what the hon. gentleman states, but if the hon. gentleman paid attention to the letter when I read it, he would see that I am directly attacked through the medium of my nephew.

Hon. Mr. BELLEROSE—Hear, hear.

Hon. Mr. McINNES—The letter reads:—

This is an error. It is not W. H. Kearey, the dismissed accountant, but Thomas McInnes, late steward, and now a refugee in the United States, who is nephew of the polished and amiable senator referred to.

Hon. Mr. ANGERS—That is not an attack.

Hon. Mr. McINNES (B. C.)—It is an implied slander. There is no question about it.

Hon. Mr. MILLER—It may be that—on the nephew.

Hon. Mr. McINNES—I am not prepared to go on to debate this question of privilege, but I do claim that I am doing what is the duty of every member of this honourable House when he is attacked, especially by a civil servant, or a person in a still worse position, a man who has been superannuated, and is living on the tax payers of this country. In my place in the Senate, over six years ago, I called attention to scandals in a public institution and my statements were subsequently proved to be all true. If I can be attacked with impunity by the man who should have prevented these irregularities, I think that this House has fallen very low indeed if it will not defend itself. This Mr. Moylan is an old offender. Within the last six years he has been called to account for similar misconduct no less than twice to my personal knowledge. During the incumbency of the late Premier, Sir John Abbott, Mr. Moylan made an unjustifiable attack on the honourable member from Delanaudière in his annual report. He was brought to task for it, censured and punished. Even the $500 that was placed in the Estimates for an increase of his salary was wiped out upon that occasion, and he was then cautioned not only by the late Sir John Thompson, but also by the late Sir John Abbott, that if he should be found guilty of any such offence again he would be suspended or severely dealt with. Two years after that he attacked me in his report, and that attack appeared in the annual report of the Minister of Justice. It was done without the knowledge of the Minister, or the Deputy Minister of Justice. Mr. Moylan only showed it to the private secretary, and it was smuggled into the departmental report in that way. I found that out subsequently. I was perfectly satisfied that Sir John Thompson would never lend himself to anything so low and unworthy as that. He was then summoned to appear before the bar of this House. But on the following day, before the meeting of the Senate, he apologized to this House, and Sir John Thompson gave a pledge that he would not offend another time. Now, unfortunately for this House, and I may say for the country, when Sir John Thompson dismissed the warden, the deputy warden and the accountant of the British Columbia penitentiary, he made the fatal mistake that he did not dismiss this J. G. Moylan, because when the papers are brought down, I can show very conclusively that he was probably the

cause of nearly all the irregularities, all the wrong doings and all the malfeasance in office in connection with that institution. It may be contended by some hon. gentlemen that now he is not in the employ of the government, as he is superannuated,—that the government have no control over him. If there are any in this House holding such views as that, I claim—

Hon. Mr. KAULBACH—I rise to a question of privilege I appeal to the Chair.

Hon. Mr. McINNES (B.C.)—There is a question of privilege before the House at the present time.

Hon. Mr. KAULBACH—The question is whether my hon. friend can go on with this tirade of abuse against a gentleman who is not in the civil service, and not in the employ of the government. It is entirely beyond his privilege. He is taking advantage of his position in this House to abuse the character of a man who stands as high as any hon. gentleman in this House.

Hon. Sir MACKENZIE BOWELL—I would like to call the attention of the House to the fact that when a question of order is raised it is the duty of the speaker to sit down until it is decided. The hon. member must have forgotten that.

Hon. Mr. McINNES (B.C.)—I did not forget it. The hon. gentleman rose to a question of privilege he stated, and not a question of order.

Hon. Sir MACKENZIE BOWELL—Then it was an act of discourtesy to the hon. gentleman as well as to the House. I was charitable enough to think the hon. gentleman had forgotten the rule for the moment.

Hon. Mr. McINNES (B.C.)—The hon. gentleman rose to a question of privilege, and not of order, consequently I was perfectly justified in not sitting down—it was discourtesy to the House.

Hon. Mr. MILLER—The hon. gentleman from Lunenburg in his last remarks used the word privilege instead of order, but when he first took the floor he rose to a question of order.

Hon. Mr. KAULBACH—I ask the ruling of the Chair on the question of order.

Hon. Mr. McINNES (B.C.)—I throw myself on the indulgence of the House. This man Moylan is, or ought to be, under the control of the government, just as much as if he were in their employ. He has been superannuated, but surely we are not going to allow superannuated civil servants to have free scope to attack members of this House and of the other branch of Parliament with impunity and without redress. I appeal to the Premier if it is not his bounden duty—a duty that he owes to himself, to this House and to this country—that this man's superannuation should be immediately stopped, or that he should be cautioned that if he attacks any member of this or the other branch of parliament it will be stopped, notwithstanding anything that the counsel for the late inspector may have to say to the contrary in this House.

Hon. Sir MACKENZIE BOWELL—I do not propose to follow the hon. gentleman in the remarks that he has made, because I am strongly of the opinion that the matter brought up by him is not a question of privilege in any sense of the word. If every attack that is made upon a public man in a a newspaper, either by inference or directly, is to be considered a question of privilege, there are very few of us who could not occupy the time of the House during half of the session.

Hon. Mr. PERLEY—We would not want any adjournment.

Hon. Sir MACKENZIE BOWELL—In the other House it has grown into practice to explain any attack made upon a member in the public press, and also to defend oneself. I do not wish to be understood as approving in any way of the parenthetical sentence put into the report of Mr. Moylan. On the contrary, I had a conversation only last Saturday with the Minister of Justice, who authorized me to state, when the question came up in this House, that he deeply regretted it himself; that how it got into the report he could not understand; that when he read the report as presented to him, he put his pen through the reference to the hon. gentleman, considering it irrelevant; and how it got in afterwards he does not know. I told him that I should take the first opportunity to explain the matter to the House. For my own part, I think it is reprehensible on the part of any public servant, or of the public

press, to associate a gentleman's name with that of another who may have done wrong, simply because he happens to be a connection by marriage or by blood. I do not know of any meaner mode of attack. Still, I question very much whether it becomes a question of privilege that should be brought up in this House. I have the report before me, and the House will see that the reference to the hon. gentleman was altogether unnecessary. The inspector says in his report:—"The subsequent career of many of these witnesses, notably of the accountant and storekeeper"; and then he puts in parenthesis, "nephew of Senator McInnes, of B. C."

Hon. Mr. MACDONALD (B.C.)—That is the third offence of the same kind.

Hon. Sir MACKENZIE BOWELL—Now that the hon. gentleman has called attention to it, I remember that Mr. Moylan was taken to task for a similar offence before, but I can only say, so far as the Minister of Justice is concerned that he was not aware that it was published until his attention was called to it by the questions on the paper. How far the hon. gentleman's suggestion, in reference to dealing with Mr. Moylan's superannuation could be acted upon is a question that I shall have to leave to the lawyers to decide. My own impression is that he is as independent of the government to-day as the hon. gentleman is himself. We have no control whatever over him, and he has the same right that every other citizen has to write articles in the newspapers, if they think proper to publish them, and he must be held individually responsible, whether in courts of law or otherwise, for his conduct. I deeply regret, as a member of the government, and I desire to express equally the regret of the Minister of Justice, that a report coming from any department of the government should, even inferentially, attack any hon. gentleman. I do not know that the remark made by Mr. Moylan in that letter that has been read would be considered a slander. He says that the hon. gentleman from British Columbia is "polished and amiable." If he had added "handsome" he would not have said anything in excess. If ridicule would justify the bringing of such matters before this House, I think I might mention quite a number of newspapers in which I have been ridiculed in a way that has amused me and my friends, and disgusted some of my family, who think that it should not be allowed.

Hon. Mr. MACDONALD (B.C.)—Not by pensioners of the government.

Hon. Sir MACKENZIE BOWELL—We have nothing to do with the pensioners of the government.

Hon. Mr. McINNES—Withhold their pensions.

Hon. Sir MACKENZIE BOWELL—There is no law which would justify the government in doing so. If you think the offence is so grave as to justify that, it is a matter which we can consider in the future.

## THE BRITISH COLUMBIA PENITENTIARY.

INQUIRIES.

Hon. Mr. McINNES inquired:—

Is it the intention of the Government to reappoint Arthur McBride, late warden, and William Keary, late accountant, to the wardenship and accountantship, respectively, of the New Westminster Penitentiary? If not, why not?

He said: The reason why I ask the last question "If not, why not?" is this—it was proven during the investigation that both the warden and the accountant were merely carrying out the instructions given them by the deputy warden and the inspector of penitentiaries—that the warden was a mere figurehead—placed in that unfortunate position by the inspector, and had to carry out the instructions given him by the deputy. Of the three men, the guilty person was reappointed, while the comparatively innocent men were not reinstated.

Hon. Sir MACKENZIE BOWELL—It is not the intention of the Government to reappoint Arthur McBride, late warden, and William Keary, late accountant, to the wardenship and accountantship, respectively, of the New Westminster Penitentiary. Reason, on account of their unsatisfactory records while holding such positions. If the statement made by the hon. gentleman, that the warden was a mere figurehead and only carried out the orders of a subordinate, is true, it is the very best reason why he should not be reappointed.

Hon. Mr. McINNES (B. C.) inquired:

1. Was it on the recommendation of a member of the Dominion Parliament from British Columbia,

that James Fitzsimmons was reappointed Deputy-Warden of the New Westminster penitentiary? If so, what is the name of the member?

Hon. Sir MACKENZIE BOWELL—Deputy-wardens in Canadian penitentiaries are appointed on the responsibility and on the recommendation of the Minister of Justice, and not on the recommendation of a member of Parliament. This course was followed in the case of James Fitzsimmons.

## ESQUIMALT AND NANAIMO RAILWAY SUBSIDY.

INQUIRY.

Hon. Mr. McINNES (B.C.) inquired:

Has Mr. James Dunsmuir, of Victoria, British Columbia, President of the Esquimalt and Nanaimo Railway Company, or any one else on behalf of said railway company, applied for the usual railway subsidy of $3,200 per mile to assist in extending their road from Wellington to Comox? If so, is it the intention of the Government to grant the application?

Hon. Sir MACKENZIE BOWELL—Mr. Dunsmuir has made application for a subsidy of $3,200 per mile for the extension of the Esquimalt and Nanaimo Railway from Wellington to Comox. The Finance Minister made the announcement in the House of Commons a short time ago (which is now repeated) that the government does not contemplate granting any cash subsidies to railways this session.

## BRITISH PACIFIC RAILWAY.

INQUIRY.

Hon. Mr. McINNES (B.C.) inquired:—

Has Mr. R. P. Rithet, of Victoria, British Columbia, Vice-President of the British Pacific Railway Company, or anyone else on behalf of said railway company, applied for the usual railway subsidy of $3,200 per mile to assist in building their railway? If so, is it the intention of the Government to grant the application?

Hon. Sir MACKENZIE BOWELL—No application has been made by Mr. R. P. Rithet or anyone else for a subsidy of $3,200 per mile, in aid of the construction of the "British Pacific Railway."

## THE PROPOSED MONUMENT AT LOUISBOURG.

INQUIRY.

Hon. Mr. POIRIER inquired:—

Is the Government aware that the "Massachusetts Society of Colonial Wars" is about to erect a monument at Louisbourg, Cape Breton, commemorative of the taking of that place in 1745? What inscription is this monument to bear? Does the site of the old fortress of Louisbourg belong to the Dominion Government? If not, to whom does it belong?

He said: I find that a member of the other House has put the question whether the Dominion Government had granted the Massachusetts Society of Colonial Wars leave and license to erect a monument at Louisbourg commemorating the capture of that place in 1745, and that the answer was "no." I am further assured that the Minister of Militia has refused to allow Canadian militia to parade at this celebration on our soil. This information is gratifying, and so much of a vexed question is settled, but who granted that permission? One would naturally think that this affair, being of an international nature, would require the assent of the very highest authority in the land. Was permission granted to the Society of Colonial Wars by the Imperial authority? I do not know, but I cannot believe it. The British are accustomed to win battles, but, as far as my knowledge of history goes, they refrain from acting meanly after a victory. They know how to conquer, but they know, too, how to be magnanimous and act with propriety.

Hon. Mr. MACDONALD (B.C.)—They put up their own monuments.

Hon. Mr. POIRIER—They put up their own monuments, and I do not know that they have tried to go into foreign lands to erect monuments commemorating their victories there. If they were to do so, which would be absolutely unseemly, no doubt they would find themselves in many cases in trouble, because they would be in a position to erect such monuments in almost every civilized and uncivilized country in the world. But that is not the question before us now. The announcement of the intention to erect a monument commemorating the victory of 1745 over France and the French Acadians has aroused an unpleasant feeling in the maritime provinces, at least amongst a large portion of the population. I am the recipient of many letters on the question. Many newspapers have commented upon it, and not knowing from whom the American society had obtained permission, and not believing at all that such permission had been granted, such papers as *L'Evangeline*

in Nova Scotia, the *Courrier des Provinces Maritimes* in Gloucester, and the *Moniteur Acadien* in Westmoreland county, have been discussing the question. The articles are not at all aggressive, but they show in what spirit that commemoration is received among a large portion of the citizens of the lower provinces. I will simply read the conclusion that one writer arrives at in an article signed by himself. He is a responsible man who writes in the *Moniteur Acadien*, a newspaper published at Shediac. Commenting on this celebration, the writer gives the history of the capture of Louisbourg in 1745, and by way of conclusion says :

> It is certain that very few Canadians, either English or French, Protestant or Catholic, will take any pride in the aggressive demonstration that a few Americans of the old school take upon themselves to make at Louisbourg.

And the newspaper goes on and gives the full reasons why it should be discountenanced. Now, some English-speaking papers have taken up the question too, and I will simply give a short extract from a Nova Scotia paper, the *Casket*, published I believe in the county represented by the late Sir John Thompson :—

> A monument at Salem to mark the spot where the so-called witches were burned would be in order, as that is a chapter in the history of our neighbours well worth commemorating as an historical fact, but if a monument on Canadian soil should be erected by aliens on the spot hallowed by historical scenes and fraught with painful suggestions to the descendants of the French nation, who now form a part of this country of ours, appears an action entirely uncalled for and which would hardly receive the support of Canadians in general.
>
> No such insult on the part of the Imperial authorities towards the French Canadians would be contemplated as is conveyed by this action of the Massachusetts Society of Colonial Wars.

I will give you no more readings from newspapers, these will suffice to show the hon. House that the proposed erection of a monument is received in anything but a friendly spirit by many of our people. The fact of alien people taking upon themselves to erect a monument on a foreign land is, in itself, a thing unheard of among civilized nations. Why should the Americans, who are more or less friendly to the empire, come here and commemorate a military event in a manner calculated to give offence to a part of the population who are loyal subjects to the Crown of England now, or to the whole population I may say? Would the United States or any other nation tolerate such a thing? I do not believe it. No doubt they carried Louisbourg, but if we go to history we must also admit that the glory of that capture, if glory there was, is not wholly American. If Pepperrell and his chaplain and his followers had been alone, I believe Louisbourg would never have fallen into their hands. If Commodore Warren had not been there, no demand would be made for the erection of a monument to-day. Louisbourg would still be French. Why should the Americans come and take upon themselves the glory, if glory there is? Their part of the affair is not a glorious one, and the real capture of Louisbourg is due to the English—Warren and his officers. But that is not the question. If to-day, for example, it is proper for the Americans to come here and erect monuments of their supposed glory on our Canadian soil and stir up feelings which are anything but pleasant, then it would be proper for the colonists of France, the Normans, to erect a monument where the battle of Hastings was fought, commemorating the conquest of England by the French. The English would not tolerate it, and no Frenchmen would ask it, because it would be looked upon as absolutely unseemly; it would look ridiculous. Supposing now that Canadians were to go and erect a monument at Carillon where Abercrombie with his 16,000 men were routed by 3,500 Frenchmen, how would the press take it? What would the American Government say to that action? Of course our people would not dream of such an unseemly action, or demand a thing so unreasonable. Or supposing our militia, commemorating military achievements of ours, were to go with or without—I believe in this Louisbourg case it was without—permission and erect a monument at Monongahela where Braddock with his troops and Washington who never told a lie were licked by the Canadians—how would the Americans accept it? We would hear a justifiable howl. The men who would attempt such a thing would never come back to this soil to tell the story. Why should we do, or allow others to do what our neighbours would certainly not tolerate from us? If this monument was simply in honour of the dead, it would be right enough. Those people, French, English and Swiss—because the French garrison was composed

mostly of Swiss who died a military death—died for their country or their pay and they deserve commemoration, but if I understand the meaning of the proposed monument it is not to be erected to the memory of the dead, but as an apotheosis of war and victories. It is a monument that, if those soldiers who are sleeping their last slumber could understand it, would mean glorification for some of them and the reverse for the others. There is no occasion for that. The time for those bitter wars is past, and if we are going to erect monuments, let us raise monuments to the dead without discrimination. Now what inscription is that monument to bear? That is an important question. We have no control over them, apparently. They are going there to erect a costly monument of marble or granite, but what inscription is it going to bear? If those who are going to erect it wish to be true to history, I suppose they will have to portray the one that first landed in the batterie Royale, and who is he? They will have to put the picture of an Indian who was given a bottle of brandy to go and see why it was that there was no cannonading from the French fort and who had the courage, under the influence of his bottle of brandy, to go up to the fort. He saw nobody there, and said, "Hurrah, we have the fort." I suppose he will have the foremost place on the monument, because Louisbourg, being defended by Swiss mostly, and those soldiers not being paid and their rations being very poor, offered no resistance in trying to defend the "batterie Royale" and went away allowing it to be taken with all the ammunition and all the guns, and the one who took it was an Indian from Massachusetts, not one of our Indians, who are temperance people. What next? Will Pepperrell's chaplain be depicted on one of the four faces of the monument—because there will be four faces—waiving an axe in his hand and announcing that he is going to that French fortress to "demolish the cross and other emblems of idolatry?" I suppose so, if these gentlemen wish to be historical. Will they also mention in the inscription on the monument that four hundred men who were sent out, after the taking of the fort, to destroy all the French settlements and houses in Cape Breton and Prince Edward Island, did most fully and most religiously perform their work amongst a peaceful population? I suppose that the episode will also be inscribed on the monument. And, since it is a commemoration of a great deed, will they also recall the fact that the taking of Louisbourg was accompanied by very few fatalities? However, after the fortress was taken, as is shown by the report of Governor Shirley himself, within a very short time, 890 colonial soldiers did die within the fortress of Louisbourg; but not from the effects of balls and bullets, nor from cannons, but from other causes which history will tell, and which, for fear of scandalizing our temperance people, I will refrain from mentioning. I suppose those foreigners are going to commemorate all that; and they will have to do so if they wish to be true to history. It is not worth while to erect a monument to recall such feats, and if there is any way of preventing it, either by an expression of public opinion or the action of the imperial authorities or of this government and making those people, who seem to have no sense of international decency, understand that while there is nothing exceedingly harmful in their actions, there is something unseemly and uncalled for and would be rendering them a service indeed. We know the actual sentiment of some of those New England States towards England by the resolutions they have recently passed anent the Nicaragua troubles, I do not see why we should allow these very men to come here and erect a monument on our land, against the peace of British subjects and Canadian citizens. Therefore, on behalf of a large portion of the people of the maritime provinces I protest against the erection of a monument glorifying the action of the colonists in the taking of Louisbourg in 1745, as unnecessary, uncalled for, highly improper and offensive.

Hon. Sir MACKENZIE BOWELL—In reply to the hon. gentleman, who has made a very interesting and historical speech, I can inform him that, so far as we know, the scheme for the erection of a monument in commemoration of the taking of Louisbourg in 1745, by the militia of the state of Massachusetts, originated with a historical society formed in Boston and in the neighbouring localities, of which the Canadian Government had no knowledge, nor was its consent asked. The government have no knowledge what inscription is to be placed on the monument. The Department of Militia and Defence has no

property at Louisbourg, nor has it any knowledge to whom the property upon which the proposed monument is to be erected belongs.

## THIRD READINGS.

Bill (E) "An Act further to amend the Civil Service Act."—(Mr. Angers).

Bill (27) "An Act respecting the Alberta Railway and Coal Company."—(Mr. MacInnes).

## COPYRIGHT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (F) "An Act to amend the Act intituled an Act respecting Copyright."

Hon. Mr. BOULTON—I wish to make some remarks upon this question of copyright, and as the hour is late I would ask the hon. gentleman to postpone the second reading of the bill until tomorrow.

Hon. Mr. ANGERS—If the hon. gentleman only wishes to speak upon the bill, and his remarks are confined to it, his speech would be very short. The bill has this in view: at the request of Lord Ripon we have agreed to bring in a bill to obtain from persons depositing books for copyright three copies instead of two. At present we have two copies, one for a record in the Archives Department and one for the Library of Parliament, and now the third copy is to go to the British Museum. That is the sole object of the bill; it only alters the word "two" to "three," and states where the third copy is to go. Of course, the hon. gentleman would be offered very limited scope in discussing the copyright question on this bill. I think he had better create some other occasion where he could express his opinion on the question of copyright.

Hon. Mr. BOULTON—I was not aware what the scope of the bill was, but I will defer my remarks.

The motion was agreed to.

## INDIAN ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (G) "An Act further to amend the Indian Act." He said: I have a minute of the amendments, and perhaps it would be just as well that I should give them to the House now, in order that members may be better able to judge of the merits of the bill when it goes to committee for discussion of the details. Clause 1 of the bill repeals section 38 of the act as enacted by section 3 of chapter 32 of the Statutes of 1894, and substitutes a section which gives wider scope as to leasing for the benefit of individual Indians land held by them. Even under the provision made last session as to the leasing of land held by individual Indians without a surrender, cases have arisen in which such land could not be leased without the consent of the band, though it was plainly a question in which the band was not, as a whole, interested. There are Indians who are neither sick, aged nor infirm, nor yet engaged in occupations precluding them from cultivating land, who ought to be free to lease land belonging to them (with the consent of the department) which they do not wish to cultivate, and it is scarcely fair that it should be in the power of members of the band to prevent their doing so. There are in Canada Indians living on their accumulated earnings, who have no need of cultivating land for their support, and in such cases it is felt that the department should be free to authorize their leasing the land held by them on the reserve without a surrender. As it is impossible to specify accurately in the Act the different cases in which land may be leased for the benefit of the Indian shareholders thereof, it is thought best to make a general provision such as that proposed, leaving the department free to lease land in such cases as it considers it in the interest of the Indian holders to lease it for their benefit. It will be observed that the proposed section is so worded as to preclude the leasing without a surrender of any land except such as is held by an individual Indian, and then only for his benefit. Clause 2 of the bill substitutes a new section for section 70 of the act. There has been some question as to the exact meaning of section 70 as it stands in the act, and the object of the change is to make clear the meaning which the department has always acted upon. The way the section now reads there seems room for the view that the Governor has not authority to direct the expenditure of capital from time to time, for the purposes mentioned in the three last

lines of the section, and he can only order that a certain percentage or portion shall be set aside to form a fund for the said purposes. Moreover, while the section, as it stands, provides for contribution being made to schools, and although it has been held that capital may, under that section, be expended in building schools to be attended by the Indians, it is thought well to have the proposed words added so as to make the point perfectly clear. It has been held that the construction of roads included the building of bridges, but doubt has been thrown upon that interpretation; it has, therefore, been thought well to insert the word "bridges" and also the words "ditches and water courses," so as to prevent any difficulty arising in future, as it is necessary that the Governor in Council should have the power to expend the capital of a band, in doing such work without the consent of the band, for otherwise roads leading through reserves might be allowed to get into such a condition as to detrimentally effect the interests of dwellers in neighbouring settlements, and if the Governor in Council has not power to build and support schools out of such money without the consent of the Indians, it will be in the hands of the Indians to impede the Indian educational policy of the government. Clause 3 of the bill substitutes a new section for section 75 of the Act. Under the law as it stands, it would appear that the Governor in Council has only power to depose chiefs chosen under the elective system after the same has been applied to the band by Order in Council. As there are very many bands in which the system has not been applied and cases have arisen in which the interests of such bands call for the removal of chiefs on account of immorality, &c., it has been felt that the law should be so amended as to make it clear that the Governor in Council has power to remove any chief for the causes mentioned in the section. In amending the section it is thought well to wipe out the distinction between head chief and second chief, as in councils chosen under the elective system the distinction has no significance and only tends to confusion. The law as it stands make the maximum number of chiefs which a band may have six head chiefs and twelve second chiefs. The proposed amendment makes fifteen the maximum number of chiefs. In the law as it stands there is no provision under which an Indian who becomes enfranchised can be paid his share of the moneys of a band unless the band takes action under section ninety-three for the general enfranchisement of its members. The department has been asked by enfranchised Indians for their share of their band's moneys, and as it is thought that Indians who so desire and are found qualified should be given their share of the capital, as well as of the land of the band, and thus be entirely removed from the guardianship of the department. All that part of section 93 (beginning at the twelfth line) which provides for the payment of band funds, &c., to enfranchise Indians when the whole band decide upon enfranchisement, has therefore been embodied in section 88*a*, which clause 4 of the bill proposes to add to the Act, in such a way as to make the provisions as to payment of band moneys apply to cases of individual enfranchisement. As the new section 88*a* contains all necessary provisions for the payment to enfranchised Indians of their share of band moneys, it is not necessary to repeat them, and clause 5 of the present hill, therefore, provides that section 93 of the Act which contains the provisions embodied in section 88*a* be repealed, and a short section substituted, which simply provides for bands taking action for general enfranchisement, and makes all provisions as to enfranchisement of individual Indians apply in such cases. It has been found that section 114 of the Act as it stands is insufficient to prevent the holding of such Indian festivals such as the Potlach or Tamanawas. The late Chief Justice of British Columbia expressed the opinion that it would be difficult to convict under it. It has been held that the more designation of the festival or dance, such as the Potlach or Tamanawas is not sufficient for conviction of an Indian or other person engaging or assisting in celebrating it, but that what is done thereat, which constitutes the offence, must likewise be described. As there is a similar dance to the Potlach celebrated by the Indian bands in the Northwest Territories, known as Omas-ko-sim-moowok or "grass dance," commonly known as "Giving away dance," and there are, no doubt, Indian celebrations of the same character elsewhere, all of which consist of the giving away, parting with, or exchanging of large quantities of personal effects, sometimes all that the participants own, and it is

considered better to prohibit all giving-away festivals, as they are conducive of extravagance, and cause much loss of time and the assemblage of large numbers of Indians, with all the usual attendant evils. The Tamanawas, which has been known to last from October until March, result in great waste of time and much demoralization. It consists of orgies of the most disgusting character, viz., biting the arms of spectators, eating, or rather tearing to pieces, dogs and human bodies exhumed for the purpose. The initiation is looked upon as an honour and eagerly sought after. Large quantities of property being given to the head Tamanawas man for admission into the rites, which are made as mystical as possible. It is known as medicine work, and is a prominent and chief feature of savage life. It prevails at Nass, Kit-amaht, Owickanoe, Knight-inlet and among the Kwa-kewlths of the north coasts of Vancouver Island and the south-west coast of the mainland of British Columbia. The proposed clause 7 differs from the law as it stands in that it gives Indian agents the power of two justices of the peace in cases of offence by Indians, against any of the provisions of part XV. of the Criminal Code, as well as part XIII., and it gives agents magistral powers over non-treaty Indians. It is thought desirable and admissible also that agents should be empowered to try Indians for vagrancy under part XV. of the Code, as well as for offences against morality under part XIII. It is frequently difficult to bring Indians, guilty of vagrancy, before two justices of the peace, and evil results follow from such offences being allowed to go unpunished. In drafting the section as it stands upon the statute-book at present, sight was lost of the fact that the term "Indians" used therein did not, as defined by section 2, paragraph (*h*) of the Indian Act, include all the Indian population of reserves, for in some cases, part of the Indian population came under the designation "non-treaty Indian," as defined in paragraph (1) of the said section. In the proposed amendment this oversight is remedied. Clause 8 adds two new sections to the Act, viz., 140 and 141. Section 140 provides that when an Indian leaves one band and enters another, his share of the capital of the band that he leaves shall go to the credit of the band that he enters. In certain transfers from one band to another which have taken place, complaint has been made by some Indians that the band from which an Indian withdrew to enter another, gained by the withdrawal, while the members of the band which he entered lost by having their share of interest money diminished, and it has been held that an Indian leaving one band and entering another should take with him his share at least of the capital. The contention is considered a fair one, and the proposed section has been drafted to meet such cases. Clause 141 provides for the reduction of the price at which Indian lands have been sold or the rent at which they are leased, when the same is excessive. It has been the custom of the department to make such reductions as are contemplated by the amendment, it having been considered that the department was within its right in doing so when the circumstances of the case warranted a reduction, but where reductions were made on a large scale, as was the case on the Saugeen Peninsula in 1875, the authority of His Excellency in Council was obtained. When, however, the question came up of wiping out part of the arrears due by the censitaires of Sault St. Louis, the matter was referred to the Department of Justice for advice as to the course to be followed, and the Minister of Justice expressed the opinion that it would be necessary to have the authority of Parliament for foregoing any part of the amount due. This gave rise to doubt as to the legality of the department's reducing, even with the authority of His Excellency in Council, arrears of purchase money on Indian lands, or the interest thereon, and on the advice of the Department of Justice was informed that the Minister of Justice was of the opinion that the authority of Parliament was necessary for the making of such reduction. The cases in which the making of such reductions was authorized by order in council of the 30th September, 1875, afford striking examples of purchasers of land undertaking to pay exorbitant prices. Several purchased at public auction in 1856 and 1857, when speculation in land was rife, and undertook to pay as high as $5 and $6 and $7 an acre for land which proved to be wholly unfit for cultivation. Others who bought in the ordinary way paid in accordance with a surveyor's valuation, which was made when the land was thickly wooded and the real estate market in an inflated condition. It would have been utterly impossible to have

collected the amounts due by the purchasers, and to have evicted them would have been a hardship. Individual cases of a similar nature freely come before the department. Too high a valuation is often made of land, and even practical farmers are frequently deceived as to its value, finding after they begin to clear that there is no depth of soil and that the bare rock will be exposed on a fire going over the land. But the opinion of the Minister of Justice, bars the department from giving in this, and other cases, the relief which it is customary to grant. Hence the authority of Parliament is asked for making reductions by way of foregoing part of the purchase money due or the interest thereon. Very few reductions have ever been made in rents payable under lease. Indian lands are mostly leased for the benefit of the individual Indian owners thereon, and only occasionally for the whole band, and when reductions in rent have been made in cases of land leased for the benefit of the Indian owner, the consent of the Indian owner has first been obtained. It is doubtful, however, whether the department has authority to reduce rent, even with the consent of the Indian owners; and, as there is sometimes very good reason for reducing rent, it is thought well to remove all doubt as to the department's right to do so. There are a number of cases which I could cite to show the hardship which would be inflicted upon purchasers, were the full amount exacted, but I shall not weary the House with them. They can be given when in Committee, if such be deemed necessary.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman spoke of taking power under the bill to pay enfranchised Indians their interest in the property of the band. What would become of the Indians who are not enfranchised? What would become of widows whose husbands were entitled to a share? How would they get their share of the common fund? There is a case in point with which I am acquainted. There is a large amount of money in the hands of the government from the Songhees reserve. There is a widow now belonging to the band who is badly off. Her husband was the chief of the Songhees, and she had to sell her cattle in order to get wine and other comforts for her husband when he was sick, and after her husband's death she lost her child, and she is now quite destitute. She applied the other day to the Indian agent in Victoria for relief, and he gave her nothing. He told her to go to work. How she is to get work I do not know. The only work that she could do is washing, and on the coast that is done by Chinamen principally. There is no work for women. Men can go hunting or fishing or go out to labour in the fields. What is meant by "enfranchising" in the Act? I do not understand the term. Does it mean that a man is entitled to vote at elections?

Hon. Sir MACKENZIE BOWELL—An enfranchised Indian is placed in the same position as a white man, and holds his property in his own name.

Hon. Mr. MACDONALD (B.C.)—In this case, to which I have referred, the woman is very badly off. The money of the tribe is lying in the bank, and she cannot get enough to buy a loaf of bread. Now, with regard to the Potlatch and the Tamanawas, the government cannot possibly stop these, for this reason: that all around the coast the Indians at the villages have these dances, and the government have not police all over the country, and they never will have police at these points. The Act will be, in a great measure, a dead letter in British Columbia, where those dances are held. Even in Victoria it will be difficult to stop them, but out in the country it will be impossible to prevent them. I think the government should not pass a bill which would be a dead letter.

Hon. Mr. BERNIER—I should like to ask if the superintendent is given full power under the first clause of the bill to lease the lands of Indians? It seems to me that this is giving to the superintendent a very extraordinary power. It gives him solely and fully the power of dispossessing an Indian of his land, and leasing it without the interference of the Indian himself. The cases in which the power could be exercised might be described.

Hon. Sir MACKENZIE BOWELL—In reply to the hon. member for Victoria, I am not aware of the regulations governing the disposition of an Indian's property in British Columbia, but I have made a note of it and will make inquiry and I hope to be able to get the information. As the hon. gentleman puts it the case seems to be one of very great

hardship. If there is any property belonging to an Indian his wife or children ought to get it.

Hon. Mr. MACDONALD (B.C.)—There is $10,000 of that money in the hands of the government now.

Hon. Sir MACKENZIE BOWELL—There may be some restrictions as to the mode of disposing of it at the death of the Indian. However, I give no opinion. The hon. gentleman from St. Boniface calls my attention to another point. I do not know whether he understands the meaning of the word "superintendent" in the Act—if he means the superintendent of the Indians on the reservation, the clause does not apply. It gives the power to the Superintendent-General—that is the head of the department in Ottawa, who would have to instruct his subordinate what should be done. The clause as it reads now contains these words:

> Indians engaged in occupations which interfere with their cultivating the lands on the reserve, and all sick, infirm or aged Indians and all widows and orphans or neglected children.

These are words which are struck out of the new clause. You could only lease for the benefit of Indians included in the words which I have just read. The present clause reads:

> No reserve or portion of the reserve shall be sold, alienated or leased until the same has been released or surrendered to the Crown for the purposes of this Act, but the Superintendent General may lease for the benefit of any Indian, land to which he is entitled without the same being released or surrendered.

Under the old Act land could not be leased or re-leased unless it had been surrendered. The Indian holding the land now can have it leased for his benefit whether he has surrendered it or not, and it also can be leased for the benefit of any Indian. It is not restricted to those who are cultivating the land on the reserve, who are sick, infirm or aged, or widows or orphans or neglected children. It simply gives the superintendent general power to lease land for the benefit of an Indian who does not desire to live or work upon it.

Hon. Mr. BERNIER—Without the interference or consent of the Indian himself?

Hon. Mr. SCOTT—Oh, no; presumably on his application.

Hon. Sir MACKENZIE BOWELL—It only gives a wider power.

Hon. Mr. POWER—I think that there is some force in the objection made by the hon. gentleman from St. Boniface, because, while it is true that this Act is supposed to be done by the superintendent general, who is the Minister of the Interior, everybody knows that the minister at Ottawa acts upon the recommendation of his inferior officer on the spot.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. POWER—He cannot be on the spot himself and he must act on the recommendation of his subordinate. I wish to point out to the leader of the government, with a view to his considering it between the present time and the time when the House is in Committee, the possibility that this privilege might be abused in this way—that the superintendent general might lease land which continues to be a portion of the reserve (that is what the latter part of the clause applies to) for the benefit of any Indian without the same being released or surrendered. That would enable the superintendent general, on the recommendation of a local officer, to lease, nominally for the benefit of the Indian, land in the middle of a reserve. There is no limitation as to the person to whom the land might be leased, and you can imagine a white speculator leasing land in the middle of a reserve, a thing which would be very objectionable and which has caused serious difficulties in some of the older provinces. The Minister might consider whether, when the bill goes before the committee, he could not provide against that. Then, I think that clause 141, which is proposed to be added to the Act, gives a very sweeping power to the Governor in council, and although no doubt the leader of the House has the utmost confidence in the present Governor in council, there might arise a Governor in council in whom he would not have the same confidence and to whom he would not like to give so much power. It seems to me that it would be judicious to add to this proposed section 141 a provision that a yearly return, showing the cases in which the action proposed in this new section had been taken, should be laid before parliament so that an opportunity would be

furnished to know the cases in which the government had acted.

Hon. Mr. BOULTON—The contention which the hon. gentleman from St. Boniface raises is this: The Indians are in tribes, the Act allows individual Indians to withdraw from the tribe and from the treaty, the government pays an Indian, under such circumstances, no more treaty money, and he falls back on his 320 acres of land. This amendment is for the purpose of allowing the government to deal with the case of an Indian dying and leaving a helpless family behind him, to deal with that land in the most profitable way for the support of the family.

The bill was read the second time.

## DESCHENES BRIDGE COMPANY'S BILL.

### Second Reading.

Hon. Mr. McLAREN moved the second reading of Bill (30) "An Act to incorporate the Deschenes Bridge Company."

Hon. Mr. CLEMOW—This bill contains a great many provisions which I think should be inquired into. I have no objection to the bill itself, but there are some extraordinary powers asked for, which it would be well for the committee to understand and consider when the bill goes before the Committee on Railways and Canals. The bridging of the Ottawa is a subject which requires grave consideration. In the past, as far as the St. Lawrence River is concerned, it has been found necessary to limit the number of bridges over that river. We must bear in mind that the Ottawa will form some day the great avenue of traffic between the east and the west. I expect to see the Ottawa and Lake Huron Canal constructed, and it would be well to consider whether the proposed erections will interfere with that great project to any extent, and now is the time to make provision for such a contingency. We know that the more obstructions, the greater will be the difficulty of building the canal. Already the obstruction to the navigation of the Ottawa caused by the deposits of sawdust and mill refuse in the river has, to some extent, retarded the enterprise. This route is the natural one between the east and the North-west, as was clearly demonstrated by the Royal Society a few days ago. I have no doubt that some day the Ottawa Canal will be constructed, and now is the time to prevent any further obstructions of the river. We know that the dams and booms and piers which have been placed in the Ottawa affect navigation. The water supply at the Chaudière has been interfered with to a very great extent, partly the result, I believe, of the erection of these obstructions. Now is the time to provide against such obstructions in the future, and that is why I call the attention of the committee to this matter and ask them to consider it carefully. I know that other parties are applying for similar privileges, for the construction of a bridge within a few hundred yards of this one referred to in the bill. It seems perfectly unnecessary that two bridges should be required to do the business which is to be done at this point for years to come. The committee should adopt a plan of having but one bridge constructed, with a provision that it should be available for all parties requiring to use it, as is the case with railway bridges. The two companies should come to an understanding and use but one bridge. It is well that the committee should understand that these points will come under their consideration, and I hope that the promoters of the bill will have sketches of the point where the bridge is to be built prepared, and that evidence will be adduced to show that the bridge will not impede or affect the navigation of the river in the future. I should much prefer that these provisions should be made statutory. I have every confidence in this government, but we do not know how long the present government may be in existence, and I may not have as much confidence in their successors. It is better to have all these matters statutory in their provisions in order that no difficulty may arise to prevent the carrying of them out.

Hon. Sir MACKENZIE BOWELL—Such a provision is made with respect to the international bridge at Ottawa.

Hon. Mr. CLEMOW—Certainly, and the same can be done in this case. I throw out this suggestion in order that the committee may take these matters into consideration, and that nothing shall be done to retard or prevent the construction of the Ottawa canal in the future.

Hon. Mr. McCALLUM—It is a matter of gratification that my hon. friend has confidence in the government in this instance. Does he know that there is a regulation, as far as navigable streams are concerned, that plans of all bridges have to be submitted for the approval of the government before work can be proceeded with? I do not know that it is necessary to warn the members of the committee to discharge their duties with regard to this bill or any other bill. They are prepared to guard the public interest in every way. I am gratified to know that my hon. friend has such confidence in the government, even on the sawdust question.

The motion was agreed to and the bill was read the second time.

The Senate adjourned at 10 p.m.

## THE SENATE.

*Ottawa, Tuesday, 28th May, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## CUSTOMS SEIZURE AT MONTREAL.

INQUIRY.

Hon. Mr. BELLEROSE rose to inquire of the Government—

1. At what date certain books or pamphlets bearing among other titles the following:—"*For Sleepy Americans, a literal translation from Liguori's Theology, or Questions put daily by the Romish priests to women in the Confessional,*" were entered at the custom-house at Montreal?
2. Whether these books were not confiscated by the officer at the head of the customs at Montreal as being of too immoral and too indecent a character for circulation?
3. If so, at what date and by what officer?
4. To whom were these books consigned?
5. Whether the consignee or importer has been prosecuted according to law?
6. If so, at what date? If not, why the law has not been put in operation?

Hon. Sir MACKENZIE BOWELL—The Comptroller of Customs informs me that no book bearing the title mentioned by the hon. gentleman has been seized, but there was a book entitled "Fruits of the Confessional." He is now searching for the papers, and hopes to be able in a few days to give a full answer to the question.

The inquiry was postponed until Monday next.

## THE COPYRIGHT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (F) "An Act to amend the Act intituled: 'An Act to amend the Copyright Act.'"

Hon. Mr. LANDRY, from the committee, reported the bill without amendment.

## SECOND READINGS.

Bill (29) "An Act to incoprorate the James Maclaren Company (Limited)."—(Mr. McLaren.)

Bill (32) "An Act respecting the Ottawa, Arnprior and Parry Sound Railway Company."—(Mr. McLaren.)

Bill (50) "An Act respecting the Manitoba and South-eastern Railway Company."—(Mr. Bernier.)

## CANADA AND MICHIGAN TUNNEL COMPANY'S BILL.

SECOND READING.

Hon. Mr. McMILLAN moved the second reading of Bill (36) "An Act to amend the Act incorporating the Canada and Michigan Tunnel Company, and to change the name of the Company to the Canada and Michigan Bridge and Tunnel Company."

He said: This is simply a bill to change the name of the company and grant them the privilege of building either a tunnel or a bridge.

Hon. Mr. McCALLUM—I do not rise for the purpose of opposing the bill, but it makes quite a difference whether you go above the surface of the river or under the ground, and the question must be looked into closely in order to see if you are going to impede navigation. Therefore I think the hon. gentleman should explain a little more fully before we adopt the principle of the bill.

Hon. Mr. McMILLAN—The true meaning of the bill is this, that they could not

build the tunnel, and this is to enable them to float their bonds and get more money with which to build a bridge instead of a tunnel. As far as the principle of the bill is concerned, I know very little about it, but when it goes before the Railway Committee there will be ample opportunity for all parties opposed to it to present their case there.

The motion was agreed to and the bill was read the second time.

## SABLE AND SPANISH BOOM AND SLIDE COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (33) "An Act to amend the Act to grant certain powers to the Sable and Spanish Boom and Slide Company of Algoma (Limited)."

He said: This is a bill in amendment of the charter granted this company. It is purely a domestic arrangement to enable them to collect tolls in order to pay for the improvement of the dams and sildes on the river. I know they have done a great deal of good already by their operations.

The motion was agreed to and the bill was read the second time.

The Senate adjourned at 3.45.

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## THE SENATE.

*Ottawa, Wednesday, 29th May, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE CHUTE DIVORCE CASE.

REPORT OF COMMITTEE.

Hon. Mr. KIRCHHOFFER, from the Committee on Divorce, presented their eighth report on the petition of Julia Ethel Chute. He said: The effect of this is, not that she may be relieved of all expenses, but that the deposit of $200, that ordinarily is made in such cases with the Clerk of the Senate, be dispensed with. A number of affidavits have been laid before the committee from which the committee are satisfied that neither the petitioner nor her near relatives or friends can pay the money. In view of these facts the committee recommend that the rule requiring a deposit of $200 with the clerk be dispensed with. I move that the report be taken into consideration to-morrow.

The motion was agreed to.

## THE ODELL DIVORCE CASE.

REPORT OF THE COMMITTEE.

Hon. Mr. KIRCHHOFFER, from the Committee on Divorce, presented their ninth report, on the Odell divorce case. He said: On a former occasion the recommendation of the committee was that this matter should be deferred until such time as both parties could be heard by counsel. The committee have heard both parties by their respective counsel, and have decided to recommend that the petition be proceeded with. I move that the report be taken into consideration to-morrow.

The motion was agreed to.

## THE POST OFFICE SERVICE IN VICTORIA, B. C.

INQUIRY.

Hon. Mr. McINNES (B.C.) inquired:

Is it the intention of the Government to do away with the provisional allowance of ten dollars per month to the post office clerks and letter carriers in Victoria, British Columbia, which they now receive in addition to their salary, and substitute in lieu thereof a fixed salary?

If so, what will the fixed salary, of each, be per month?

He said: The reason for asking for this information from the government is in consequence of a very unsatisfactory condition of affairs which exists in Victoria. The allowance of $10 to the third class clerks and the letter carriers was withheld for five months. Their regular salary, I understand, is $31 per month, and after paying their superannuation fee, which I believe is $1.90, it only left them $29.10 to live on. They petitioned the government and it is alleged got the representatives from Victoria in the House of Commons to present their case to the Postmaster General time and again. Finally, the clerks and letter carriers became desperate, not receiving a sufficient amount of pay to clothe and feed themselves and families, they went on strike for a few hours. In the meantime, the Board of Trade took

up the matter. At a meeting of the Board of Trade, the members from Victoria in the Commons were present and stated that they did not at all blame the clerks and the letter carriers for the position that they had taken. However, they advised them to go back to their duties. They were only on strike a few hours, but a few hours after they had returned to work a telegram was received from the Postmaster General ordering them all to be discharged. The consequence was that for several days the Victoria Post Office service was in a thoroughly demoralized condition, and citizens, especially business men, greatly inconvenienced. The people of Victoria felt so much sympathy with these poor men that a large meeting was held in the city hall, which was addressed by the clergy of all denominations (with the exception, I think, of the Roman Catholic Church) and by other public men, and they urged, in the strongest possible way that the government immediately reinstate those clerks and letter carriers and pay their back salaries—at least this provisional allowance of $10 which had accumulated to the amount of $50 for each. I believe that the resolutions passed at the public meeting were forwarded to the Postmaster General, and a copy was also sent to the present Premier, who was then acting Premier in the absence of the late Sir John Thompson. Nothing was done, I understand, to rectify the gross injustice done these people, until, through the kind intercession of His Excellency with the present Prime Minister and the Postmaster General, those people were placed back in their former positions and received their back pay. As far as I have been able to learn there is no provisional allowance made for similar employees of the government other than in the province of Manitoba, the Territories and British Columbia. I see no good reason why this provisional allowance should be made. I am strongly of opinion that it would be much better—certainly better for those letter carriers and post office clerks—if they had a fixed salary, the same as they have in other provinces of the Dominion. Even with the provisional allowance of $10 added to their salary of $31, and deducting their superannuation fee, it only amounts to $29.10 a month, a salary altogether inadequate to the positions they occupy and services rendered, because I need not remind the House that those officials have to be educated and responsible men and ought to live in keeping with their positions. It is certainly in the interest of those people, and I believe in the interest of the service and the public, that a fixed salary should be allowed each of those employees and that it should not be less than $50 a month. Taking into consideration how expensive it is to live in the western provinces, especially British Columbia and the Territories, $50 a month would not go as far towards supporting those people and their wives and families as $35 would in the older provinces. From looking over the report of the Postmaster General I think that in nearly all the cities of the eastern portion of Canada they receive between $45 and $50 a month. I hope that the Government will at once increase their salaries to not less than the figures I have mentioned.

Hon. Sir MACKENZIE BOWELL—It is not the intention of the government at the present moment to do away with the provisional allowance to post office clerks and letter carriers in Victoria, B.C. When they do come to a decision to do away with that extra provisional allowance, they will then adopt a scale of salary commensurate with the positions they hold.

## BRITISH COLUMBIA MILITIA RIFLE RANGE

INQUIRY.

Hon. Mr. McINNES (B.C.) inquired :

Is it the intention of the Government to provide a convenient and suitable rifle range for the use of the large body of Militia in Victoria, British Columbia ?

If so, when will the range be ready for use ?

He said : I may inform the House that in Victoria alone we have something in the neighbourhood of 400 volunteers or militia men, and we have no rifle range worthy of the name within 14 miles of the city. We have one at Gold Stream, which is away out on the Esquimalt and Nanaimo Railway, 14 miles from the city of Victoria. One-half of the year there is only one passenger train going each way over that road, and it is utterly impossible for the majority of the volunteers to spare the time and bear the very considerable expense of going out to that range to practise rifle shooting as they should. We have an old range that has been used in the city of Victoria known

as Clover Point rifle range. It is on a narrow neck of land running out about 200 yards into the Gulf of Georgia and the main drive of the whole city of Victoria passes immediately along the very edge of the firing point at 400, 500 and 600 yards so that on Saturday afternoon when the most of the volunteers, who are mechanics, labourers and clerks, have time to go out to practise rifle shooting they are frequently stopped by an almost constant stream of carriages passing along where they are firing. Besides, this range has been kept in repair, almost solely by the local riflemen themselves. I am not a militia man; I never was, and I suppose I am a little too old now to become one. However, I am somewhat of a rifle crank, my friends tell me. I know a little about rifle practice and how to use the rifle and I cannot help remarking that if a great deal of the money that is now spent in drilling the men was expended in instructing the volunteers of our country in the use of the rifle, they would be a great deal more effective should the necessity ever arise for their active service. I venture to say that a very small percentage, probably not more than 10 per cent, of the volunteers know how to use effectively any rifle that may be placed in their hands, especially the modern rifles, and one of the greatest necessities today in order to make our militia efficient is to give them a great deal more rifle practice, and much less drill.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. McINNES (B.C.)—I like to see a body of military men presenting a fine appearance, but at the same time it would be very much better that they should be acquainted with the use of the rifle and make drill a secondary matter. I might also say that this rifle range at Victoria is within the limits of the city and we are there actually on sufferance. We got permission from the city council, but that permission is liable to be withdrawn from us at any moment, and I think it is too bad, after spending thirty-five or forty thousand dollars in building a very fine drill hall there, that our militia should be deprived of one of the many necessaries to equip them for active service. I therefore hope the government will at once secure a convenient rifle range —and there are many places within easy reach of the city of Victoria that can be got. We have two electric tramways, one running northward and the other eastwards that can take the volunteers within two or three minutes walk of places where a first class rifle range could be established at a very moderate cost.

Hon. Sir MACKENZIE BOWELL—In answer to the hon. gentleman's question I can inform him that no action has been taken towards providing a rifle range for the militia of Victoria, B. C. No report from the local officers has reached the government as to the necessity at present for a range in that locality. When that is done, the government will consider the matter, and do that which is deemed best in the interests of the militia force.

Hon. Mr. McINNES (B. C.)—Will the hon. gentleman allow me to ask if the representatives from Victoria have ever applied for a new rifle range? Can he inform me on that subject?

Hon. Sir MACKENZIE BOWELL—No, I am not in a position to answer that question. I have given the hon. gentleman the answer which has been provided by the department.

## NEW WESTMINSTER PENITENTIARY.

MOTION.

Hon. Mr. McINNES moved:

That an humble Address be presented to His Excellency the Governor General: praying that His Excellency will cause to be laid before the Senate:—

1. A copy of the instructions to Mr. Justice Drake, 1894, relative to the inquiry into the management of the New Westminster Penitentiary.

2. A copy of all the evidence given before the Royal Commission held before Mr. Justice Drake, in 1894, relative to the management of the New Westminster Penitentiary.

3. A copy of the report of Mr. Justice Drake thereon.

He said: The only thing that I desire to say in connection with this motion is that I waited for a long time before giving this notice, hoping that the returns called for in the other House would be brought down, but up to the time I gave the notice they had not been submitted. I understand that since giving this notice they have come down. I hope the hon. minister will see that a copy of them is laid on the table of the Senate

within a few days. I might also state that a preliminary report was brought down some days ago. I tried to get a copy of it in the other House, or see it, but it was in the possession of members who were very much interested in the subject and I was not able to get it. When the other papers that I have called for are brought down I hope that these other documents will be brought down as well.

Hon. Sir MACKENZIE BOWELL—There is no objection to complying with the request made in this motion, and if there are any other papers in connection with the case not called for in this motion, I shall endeavour to have them all laid before the House at the earliest possible moment. Should the Printing Committee in the other House order that they be printed, it would not be necessary to have them recopied for this House. However, we will have them laid before the House.

Hon. Mr. McINNES—The only object I have is to get possession of them in a reasonable time.

## THE INSOLVENCY BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (A) "An Act respecting Insolvency."

Hon. Mr. McCALLUM—Give us an explanation of the bill.

Hon. Sir MACKENZIE BOWELL—I scarcely think that I should be justified in wearying the House with so long a statement as I made last year explaining the provisions of this bill. I can inform my hon. friend that there are no changes in the principle of the bill as it passed last session. The changes that have been made in the bill are more verbal in character than affecting the principle involved in an Insolvency Act. It was found, on a close study of the bill, that so many changes were made in it last session that there were some incongruities, and they have been changed, but the alterations are more in the verbiage than anything else.

Hon. Mr. SCOTT—If it is important, in the interest of the people of Canada, that an insolvency law should be placed on the statute book, I presume that the one under consideration is as free from objections as any that could be devised, except on a few points which were discussed in this chamber last year. Since the House rose last year, however, I have failed to observe any great demand in the country for the passage of an Insolvency Act. In Ontario the law now authorizes the distribution of the estate of insolvent debtors in two ways, one in the event of a party failing a creditor can come in, much in the same way as under the law in the province of Quebec. The law also provides for the distribution of the assets amongst the creditors. The only difference between that law and the one under consideration is that the Ontario Act omits to provide (as the province had not the power) for the discharge of the insolvent; so that, as far as the two larger provinces are concerned, Ontario and Quebec, there is really at the present moment no great necessity for the passing of an Insolvent Act. The Ontario Act has been passed in New Brunswick since last session, and I have no doubt it will be adopted, if not in the same words, at all events in the same spirit, in all the other provinces. Under those provincial Acts the expense is much less than under the machinery provided for in this Act. Under the circumstances, we should consider whether there is really any necessity to pass this bill. We devoted a great deal of time to the subject last session, and no doubt improved the bill very considerably. One does not desire seriously to go into the consideration of the measure now unless there is some assurance that it is to go beyond this chamber, and that there is a reasonable probability of its being passed in the House of Commons. I am, of course, unable to make any observations on that point, as I do not know what the sense of the House of Commons would be on the subject, although I recognize, as every one must, that there is no great necessity for such a law at present. I do not propose to oppose the bill at this stage, but shall be very glad to hear the opinions of other hon. gentlemen.

Hon. Mr. MacINNES (Burlington)—In every mercantile community an insolvency law is necessary. I am aware, as the hon. gentleman has stated, that there is an insolvency law in several of the provinces. There is none, however, in the province of

Quebec, where the common law is found to answer the purpose very well. But it is exceedingly desirable that the law should be uniform from one end of the Dominion to the other. It is objectionable that a discharge cannot be given under the provincial Act, as has been stated by the honou able gentleman from Ottawa. The object in view in every insolvency law should be to see that the assets of the insolvent are equally and equitably distributed among all the creditors. It is my opinion, also, that the insolvency law should apply to all debtors so that all should participate in the advantages, or the disadvantages, if there are any. If there are any penalties for wrong-doing they should be imposed upon one class as well as upon another. Any other law would, in my opinion, be wrong. This insolvency bill is a step in the right direction, and when it goes into committee of the whole, amendments can be considered more fully then than they can be at the second reading.

Hon. Mr. McCLELAN—I am very glad that some attention is to be given to this measure. The course pursued last year seemed to place those who did not agree with the principle of an insolvency law in an unfortunate position, because, although the bill was brought in by the government it was referred to a committee, and the committee, after considering the details, reported the bill. The argument was then used that the committee having reported upon the measure it was wrong to throw it out, or even to discuss its principle. I think the bill is a step in the wrong direction; it would be a step in the right direction to throw it out now. The basis of legislation hitherto in the British colonies and, in fact, all civilized countries, has been, as far as possible, never to impair contracts which have been legitimately made under existing laws. To a certain extent this general rule would apply in opposition to the principle of an Insolvency Act, but that general rule, like all general rules, should admit of exceptions, and the question now is whether sufficient exceptions exi t in the present state of the country to justify the government in passing a general Insolvency Act. The remarkable business depression now apparent has doubtless influenced the government in submitting this bill as a possible remedy. Just as in 1875, the government was actuated when the country was undergoing a similar period of commercial trouble, but I am unwilling to believe that an insolvency law is justifiable or will provide an adequate remedy. I am forced to this conclusion more particularly from a slight retrospect of the history of the past. During the history of confederation, we have had on the statute-book for a year or two one insolvency law. Now, permanency is necessary to ensure the usefulness of a law of this kind and we know very well, looking at the history of legislation in this direction in Canada and elsewhere, that permanency is not an element in insolvency laws. During the last century in the neighbouring republic—where surely with the amount of business they are transacting there would be as much necessity for moving in this line as in any other country—they have, on only one or two occasions, enacted a temporary insolvency law, which lasted a very short time on each occasion. At the present time throughout the union they are discussing two bills, one a general bankruptcy law under federal auspices to apply to the whole union, and another, and shorter act, to confer upon the different states the power to legislate in accordance with the conditions and requirements of each particular state. Then if we look to the mother land, England, what do we find there? We find there that they have had since the reign of Henry VIII. a bankruptcy law, or rather they have had a law for the relief of insolvent debtors. It would be more properly entitled a bill for the punishment of debtors. In the early history of that country debtors were imprisoned for debt and it became very important that these men, who were subject to long terms of imprisonment, should be relieved from unmerciful and exacting creditors. That is the foundation of the English system of insolvency, which has frequently changed, but we know very well that the conditions of countries differ, and when we undertake to draw a parallel between countries, we should look into their relative conditions. In Great Britain the area is small, 70,000 odd square miles, with population of about 40,000,000. They are peculiarly a commercial people within that confined and restricted area, and not only that, but the British Government is not a dual government as ours is. In this country, with its extensive area and scattered people, we know the difficulty of meeting the

wants and wishes and requirements of different localities. We have machinery in Canada, as they have in the neighbouring union, by which laws of this character can be made to suit the varying circumstances of the several sections of the country. I therefore differ from the hon. gentleman from Burlington as to the necessity for uniformity. But if there were a necessity for it, we would hardly secure it by the passage of this bill. We know that several sections of this bill are simply confirmatory, if I mistake not, of enactments in the province of Quebec, indicating that it would not be prudent to apply a general bankruptcy law to that province. Then, again, it was developed during the discussion in in committee last year, that the rising province of Manitoba is entirely differently situated from other provinces with reference to the amount of property subject to execution. In Manitoba some twelve or fifteen hundred dollars worth of property is exempt from any law which we may pass in this parliament. This makes another distinction, and therefore we find a vast difference between the operation of this bankruptcy law as applied in Manitoba or as applied in Prince Edward Island or in Nova Scotia. So in its provisions and details and operation it is impossible to secure that uniformity to which my hon. friend from Burlington has alluded. My hon. friend from Ottawa, in his few remarks, stated that whilst last year there had been some application on the part of the banks and boards of trade for bankruptcy legislation, this year there have been no petitions for it. We have never heard anything indicating a desire on the part of the farmers, the artisans, the merchants and the traders of this country for a law of this kind. There was some pressure from boards of trade, but even the boards of trade have not unanimously favoured it. Last year there were two or three petitions from boards of trade against the passage of this bill. That was a year ago, and my hon. friend has referred to the altered condition of things since then. It was not generally known then that the Judicial Committee of the Privy Council had confirmed the local Act passed by the Ontario Parliament, which does away with the real grievance that many of those who appeared before the committee desired to get rid of—that is to say, that there should be an equitable distribution of estates and a cheap way of examining into the affairs of an insolvent to show that there was no fraud. Since that Act has been confirmed and is in lively operation, the New Brunswick Government has taken the same view and we have on the statute-book of New Brunswick now a law similar in many respects to the Ontario Act—I think precisely the same—which, so far as I have seen it reported in the St. John papers, has met the requirements of the St. John Board of Trade. That is what the boards of trade particularly required, because the necessity of some action as evinced by the complaints from Montreal, arose in this way—in the lower provinces a great many traders, who, perhaps, never should have been trusted at all, who had very little property responsibility and perhaps less aptitude for business life—after procuring credit through the commercial agents who come to our province like a wolf on the fold, credit which should never have been forced on these at all because they were in no position for trading—after a year or two when failure came, as failure almost always comes in such cases, then there was an assignment to a friendly assignee with preferences to their local creditors, leaving the Montreal merchants, and perhaps the Toronto or Hamilton suppliers, out in the cold. That was an unfortunate condition of things which ought to be remedied, and no doubt it led the wholesale dealers of commercial centres to demand, as they did last year, a bankruptcy law to meet the difficulty. That has all been met, so far as Ontario, Quebec and New Brunswick are concerned. A similar bill was passed in the Nova Scotia House of Assembly, but was thrown out, unfortunately by a small majority in the Legislative Council. I have no doubt that it will be passed at the next meeting of the Nova Scotia legislature. When we have, in a very cheap way, without a cumbrous general law of 155 sections, such as this, the means to meet our local requirements and provide an equitable distribution of an insolvent estate without preferences, when we have everything which seems to be required to ensure the honest winding up of an insolvent estate excepting the actual discharge, I do not see any great necessity for this legislation. If men are really striving to pay 100 cents on the $1 and cannot meet their obligations, I do not think we ought to put it within the power of anybody to drive

them into insolvency. I do not believe that such a law is a good one. In many cases, if they are honest, and are let alone, they ultimately will pay their debts. If they do not, and have to make a distribution all around, I do not think there would be one case in ten where a creditor would refuse to give a discharge where everything has been done fairly and squarely and above board. That difficulty ought not to be brought up as really a very great objection. In the first place, the crediting is a voluntary thing. Men are not compelled to supply these people, and in most cases they should not be supplied. For the reasons that I have given they should in many cases remain upon their farms. They should not be so ambitious to handle dry goods. They have not the aptitude or training for it, and it is only confusing the legitimate business of the country. But if wholesale dealers chose to exercise their discretion to supply them, it is their own look out. They are not compelled to do so, and it is scarcely fair that we should give them the power to force these people into insolvency afterwards. I had the honour last year of being upon the committee, and I did the best I could to help to improve the measure, but I never felt that I was committed to the principle of the bill in any way. I simply brought to bear upon it whatever I could think of in the way of rendering it as harmless as possible, but I and other members of the committee reserved the right to vote against the principle of the bill; I hope the measure will receive careful consideration before it is allowed to become law and that the country will be saved what I think will be a degradation and the government themselves the odium of passing an Act that cannot fail to be injurious to the interests of the country.

Hon. Mr. KAULBACH—I hesitate as to the position I should take upon this bill. Last year when it came before us I gave all my knowledge and ability towards the perfecting of the bill, that is to make it as little injurious as possible. I did not like it as a whole, but I thought it better to let it pass its third reading and see what improvements might be made in it elsewhere. This year I was in hopes that it would not come before us, at least that it would be introduced in the Commons. The feeling of the merchants and others in the province from which I come is opposed to this bill, and I had hoped the government would have delayed it, as it was not a party question, until a new parliament had met, when the members, fresh from the people, would be better able to deliberate and decide upon its merits or demerits. Looking back at the old law of 1869 to 1875 and 1880 and seeing the vast amount of injury done by it during that time, I doubt the wisdom of passing such legislation. Instead of raising the standard of public and commercial morality and securing honest and fair trade, it had the opposite effect, and I know that in 1880, when it was abolished, the people rejoiced that they were freed from the incubus. The country has prospered ever since and I do not see at the present moment any necessity for a bill of this kind. Even now we are so assured by those who spoke to-day on this bill. The leader of the opposition and his followers declare that the country is not in that condition to require it. A permanent Act I do not think is necessary at any time. In an extreme emergency legislation may be needed, and therefore I feel very great hesitancy in voting for the second reading of this bill. I should like to hear from other hon. gentlemen, who know what the impressions are in their part of the country, and before I commit myself to it. I am in favour of a general law. My objection in the past has been to having a law for each province, if those laws were at variance with each other. It is now decided that the provinces can pass insolvency laws. Ontario, Quebec and New Brunswick have their laws and Nova Scotia will follow. We should have a common law affecting all provinces alike, and I was in hopes that the legislature of Nova Scotia last year would fall into line with Ontario and New Brunswick. I believe the bill they introduced was in harmony with that of New Brunswick, and if I could be shown to-day that these various bills were for the equitable distribution of estates and to prevent preferential assignments, it is all that we require. If that can be effected so that the laws of the several provinces will be alike as far as possible, that is all that should be asked. Therefore, I am hesitating at this moment. I very seldom hesitate as to what vote I give upon anything because I am generally strong in my convictions with regard to legislation. I should like to hear from other hon. gentlemen from various parts of Canada, as to

whether we should pass this bill now. My impression is that no harm would be done if it were delayed until after the next election and the government would act wisely by not pressing this bill.

Hon. Mr. PRIMROSE—As the Debates show, I voted last session against this bill, very much for the reasons which have been so well given by the hon. gentleman from Albert. During the recess I made inquiries in the constituency from which I come, as far as I could, and found I might say almost a universal consensus of opinion that they would much rather not have such legislation—that the effect in very many cases would be, to say the least of it, prejudicial instead of beneficial. I do not intend to make any extended remarks on this occasion, for the simple reason that the hon. member from Albert has expressed very clearly the grounds upon which I intend to act, and for those reasons I shall vote against the bill.

Hon. Mr. McCALLUM—It is well known in this House, and throughout the country, that I am not favourable to legislation such as this, and I am surprised that the government seek it. I doubt if they really are in favour of it, although it is brought in here. The question in my mind is—Who asked the Senate to pass this bill? Where are the petitions asking for legislation which is going to change the whole relations of the commerce of this country? We should be careful before we change the relations between creditor and debtor. There were petitions here last year from boards of trade and wholesale merchants who want this legislation, but, as has been pointed out, these wholesale merchants are not obliged to trust their customers. They have the power to protect themselves in their own hands, and I do not see why this parliament should aid them to collect their debts by enacting this bill. The law of the country at the present time ought to be sufficient for them. The merchants are, of course, respectable men, but they should not ask parliament to legislate for them. It is class legislation. The merchants send their drummers out, and you meet them at every cross-road coaxing and almost forcing people to buy goods; and after all this, they wish to get the power to put their customers into insolvency if they do not get their money at once. The debtors do not ask for this legislation. A great deal has been said about the poor debtor, but they do not want this legislation. If this bill goes on the statute-book, it will have a demoralizing effect on the country. When we had it before, from 1875 to 1880, what was the result? It was an incubus and a nightmare hanging on the country and when it was repealed in 1880 there were bon-fires all over the country and people were glad and shaking hands with one another saying: "Now every honest man has a chance to get along; he has not got to compete with the schemer who goes into business and undersells him and then goes into bankruptcy and compromises for 50 cents on the dollar." We had the experience of the previous law for five years, and this is simply a transcript of it with a little variation. Of course, we change the name and instead of "assignee" we have it now "receiver." The honest people of this country do not want this law. Honest retailers have succeeded fairly well, but what will be the result if we pass this law? You give the chance to the schemer to buy goods and start in business, then prepare himself for difficulties and go into insolvency and pay 50 cents on the dollar, and afterwards start anew and undersell the honest retailer who will be obliged to go out of business and shut up shop. That will be the effect of it if we make the mistake of passing such a measure. I have very great regard and admiration for the Prime Minister of this country, but he is not going to carry me away from my duty to the people. I would consider it ruinous legislation. It has been stated by some hon. gentlemen that the bankers and wholesale traders met before the committee, and we should not lose the time that we spent last year, and therefore we must put the bill through now. It would be better that we should lose the whole session and other sessions than to pass this bill, because we know what the disastrous effect of an Insolvent Act was before, and what its effect will be now. Why should the bankers of the country have anything to say about a bankruptcy law? If you go to a bank to get money, they want you to furnish a good endorser, and they are sure to take the interest in advance every time, and if you are not able at the end of three months to pay, they will take the interest again. The bankers of this country ought to be satisfied with

the advantages they already possess. I am proud to say that our banks are in a good position, and it shows the honesty of the people—that they have paid their debts fairly well, since banking is so profitable. Look at the bank stocks of this country and compare their value with what it was fifteen years ago. Bank stocks have risen in value since the old insolvency law was repealed; they have doubled, and it has helped the country very much all this time. The government thought that the people were so well off in this country that they did not want to pay 4 per cent on deposits in the savings banks and the rate is down now to 3½ and 3 per cent. The banks induced the government to do that; and then they put down the interest in the banks. Supposing a man took stocks fifteen years ago, to-day he will almost double his money. They have been paying 7 or 8 per cent all the time and now they ask us to pass this bill. Did anybody ever take the trouble to see the amount of money we have in the banks of this country? It is surprising. We can pay cash if we want to. I said before if the wholesale merchants kept their drummers at home, we could do very well. The people of this country have got in the banks $194,924,776, and the banks are paying 2 and 3 per cent. It is not necessary that wholesale men should trust the people quite so much, because the people could pay cash if they wanted to do so. We are asked to legislate for the banks and the wholesale merchants of the country, while the masses of the people do not want legislation. I say this fearlessly and honestly, and I don't care who hears me, that if the government press such legislation as this, they will get wrecked when they come before the people. I have great respect for the Prime Minister of this country; I think very much of him; and I feel satisfied that many in this House, from the respect they have for him, will support the bill, even though they know that the legislation is wrong, but if they had to go before the country very few of them would come back here. Knowing the disastrous effect that the former law had, I want to oppose the bill at this stage. I do not want it to go any further. I hope the government will withdraw it. The hon. gentleman has surely seen enough to know that the majority of this House do not want it. I am sure that the members of the House of Commons do not want it, and that it will not pass there. I ask him as a favour, and in the interests of the people, and of the government, and all honest men who wish to see this country prosperous, to withdraw this bill. If he does not, as far as I am concerned, I must do my duty and oppose the bill at every stage, and I think this is the proper time to stop its progress. It is a transcript of the old law, only a little worse, because, in the old Act, a man had to owe $500 before you could put him into insolvency, but now for a debt of $250 you can send a man into bankruptcy in a few days. Under the present law for collection of debts, if you sue a man for $250, he can enter a defence in court, and he can arrange the whole matter. Under this bill you can crush him out of existence. Therefore, I cannot be a party to such a measure, and I would ask hon. gentlemen not to let their regard for the Prime Minister carry away their conscience. With all my Conservative proclivities, I stand here in opposition to this government measure, and I will try to do my duty honestly. I therefore move that this bill be not now read, but that it be read the second time this day six months.

Hon. Mr. BELLEROSE—I cannot give a silent vote on this measure. Hon. gentlemen know that I am opposed to such legislation, but my reason for the opposition is a special one. I believe that in the province of Quebec we have all that is necessary, so much so that all legislation which has taken place of late years in the same direction in other provinces has been found to work a great deal worse than the legislation that we have in the province of Quebec. Not only in our province but in other provinces they have felt that they are in a better position to deal with insolvency than the Dominion Parliament is. Nevertheless, I am not yet ready to tell the government that their efforts to provide a general insolvency law have been in vain, and that this House should not try to make the bill workable. The bill can be opposed at any stage—you may ask for the six months' hoist at the third reading, if the House, after the committee stage thinks that the bill cannot be made workable. It is too soon to move the six months' hoist now, and I regret to say that I cannot support the amendment. It has been argued by the hon. gentleman from Burlington that it is necessary to assimilate the laws of the several provinces. I

do not agree with him. If you do so, you will find great difficulty. I have been sitting here with him for 13 or 15 sessions, and I would remind him that almost every session we have passed laws making exceptions in the case of the several provinces. It is impossible in a country like ours to have uniformity in legislation. We must consider the circumstances of the several provinces. Sometimes the west and the east may not agree. We must at times take into consideration special circumstances and concede something. Though the principle of a bill may be the same for all the Dominion, yet the details may vary for different provinces. Then the hon. Senator from Burlington said that he believed in the principle that every class of the community ought to be brought under the law of bankruptcy. That is not only bad in principle, but it is also unjust. In passing such a law you have to take into consideration the difference which exists between the people at large and the traders. Would it not be unjust to treat the farmer as you do the trader? Why is it necessary for you to have a law for the traders? It is because if a debtor is not stopped before he has expended the whole of what he has on hand, the creditor is in great danger of getting nothing. If there is an insolvency law the creditor can stop the debtor and have a chance of recovering 25 or 50 per cent, but with the farmer it is not the same. The farmer has his property, and when the creditor thinks that the farmer owes too much, and has been too long in repaying the money, he may at once sue him, get judgment and recover, or he may go to a notary, have a mortgage on the property, and then it is only leaving his money out at 5 or 6 per cent, and it is to the advantage of the creditor. Such differences existing would it not be unjust to make the law apply to all classes? Any one who knows anything about the people generally knows that the farmer, if this law applied to him, would become involved until the whole of his property was swallowed up. So it would be unjust to allow the farmer to come under the bankruptcy law. As regards that class of people, it would be better to restrict than to give full liberty to go on. In committee, if I am present, I shall vote against such a clause. There are other clauses for which I shall not vote. The bill may be so amended in committee, so that I could not oppose it, because such legislation may be required in provinces which have not such good laws as we have in Quebec. I know the great city of Montreal supplies the whole Dominion and that is a reason why there may be a necessity of assimilating the laws. It would not be fair to force our merchants to study all the laws of the several provinces from the Atlantic to the Pacific. We cannot always, as legislators, insist upon our own views; we must try to promote the general good, and it is on that principle that I am speaking. So, after having voted against the six months' hoist, I shall oppose all the clauses of the bill which I think are not in the general interest.

Hon. Mr. ALLAN—Like the hon. gentleman from De Lanaudière, I do not wish to give a silent vote. I may say very frankly, for my own part, I regret that the government has introduced this bill, because, so far as I can learn, there does not appear to be any very general consensus of opinion in favour of such a measure, at all events in Ontario. At the same time, as I do not entertain the same strong convictions against the bill that the hon. member for Monck does, I shall not vote against it, but reserve my objections until the bill goes into committee.

Hon. Mr. McDONALD (C.B.)—I am opposed to the bill. It is not asked for except by the merchants of Montreal and Toronto. Such legislation is not wanted in Nova Scotia, not even a bill for the equitable distribution of insolvent estates, as is proved by the action of the local legislature last session. However, I think that action was a mistake, and that provision should be made for an equitable distribution of insolvent estates. I do not see that we could very well pass a uniform law for the Dominion without combining with it the principle of granting a discharge to an insolvent debtor from the responsibility of paying his debts, and to do that is immoral. I do not see why we should interfere and make it legal for a man not to pay his debts. This bill is simply to enable the dishonest trader to be relieved from the responsibility of paying his debts. There is no necessity for that. The honest trader will always be able to secure a discharge from his creditors, and a dishonest trader should not receive his discharge. I believe the consensus of the

country is against this bill, and that it would be better for the country to withdraw it. I shall vote against the second reading.

Hon. Mr. CLEMOW—There seems to be a great diversity of opinion this session as compared with last session. Last year I thought the opinion of this House was favourable to an insolvency law of some kind. There has been an agitation for such a law for some years. The people of this country have been calling for some Act whereby the honest trader would get a discharge from his liabilities. The people of this country consider that its credit has been injured in England for the want of some such law. Last year, it is true, I opposed a great many clauses of the bill. I agreed with the hon. gentleman from De Lanaudière that the farmer should not be included, but it was carried against me. On the general principle, however, I think it was admitted very generally that the country required some such act whereby the honest man would get a discharge from his liabilities. It has been urged that there is a law in Ontario which takes a man's estate from him and distributes it among his creditors, but there was no power to give that man his discharge, and that was one of the principal causes for this bill. The Dominion Parliament is the only authority to carry such an act into effect. I am sorry to see such a feeling prevailing to-day, and possibly it would be better to adjourn the debate and give time for further consideration. I believe firmly that a great many people of this country are desirous of having some such measure. Whether this bill meets their views or not, I am not in a position to say. It does not meet my view entirely, but we must give and take and we made the very best possible bill that we could, and took a great deal of time to consider it, and it is rather a strange thing that we should now cavalierly dispose of the bill. I therefore move the adjournment of the debate.

Hon. Mr. POWER—I am surprised at the motion made by the hon. gentleman from Rideau. The hon. gentleman seems to think that by some mysterious influence the minds of hon. gentlemen will be changed between to-day and to-morrow. The members of the House have had a whole year to consider this bill and ascertain the feelings of the people of the different parts of the country. I do not think there is any ground at all for a postponement of the decision. I was also surprised to hear the hon. gentleman from Rideau tell this House that for a long time the people of this country had been clamouring for an insolvency law. The hon. gentleman is the only member who has heard even a loud whisper in favour of an insolvency law. The statement of the hon. gentleman from Monck is perfectly correct, that there was a feeling of relief when the original insolvency law, or the law as amended in 1875, was repealed in the session of 1880. There was a feeling that an incubus had been removed from the shoulders of the people in trade in this country, and there has never since then been any manifestation of a desire on the part of any large portion of the population for another insolvency law. It is perfectly correct to say that last session petitions were presented to this House coming from the boards of trade of certain cities, Montreal and Toronto more especially. My hon. friend from Monck is in error in supposing that the bankers made any especial request for the passage of an insolvency law.

Hon. Mr. McCALLUM—I think one hon. gentleman addressing this House last session said that the committee had met the bankers.

Hon. Mr. POWER—When it was understood that the government intended to introduce an insolvency law, then the representatives of the banks came here to see that they got fair play. It has been suggested by an hon. gentleman in my neighbourhood, and there is a good deal in the suggestion, that considering that this bill was carefully considered in this House last session and sent to the other House, it would have been, on the whole, more appropriate to introduce it this year in the House of Commons. I cannot help making an observation on the ground taking by the hon. member from De Lanaudière, that while he was opposed to the principle of the bill, still he proposed to vote for its second reading. The hon. gentleman told us, and told us truly, that they have in the province of Quebec a law which suits the business men of that province admirably, and that they do not wish it changed. Does not the hon. gentleman realize that if this bill is passed, and he helps to pass it if he votes

for the second reading, then that admirable law which they have in the province of Quebec will cease to be operative and the province of Quebec, like the rest of the Dominion, will come under the operation of the measure before us? If the hon. gentleman is satisfied with the present law of the province of Quebec, and his language indicates that he is, then he would not be justified in voting for any law which proposes to change it. Every one knows the story of the man who was well and would be better, and the result. I hope that will not be the case with the hon. gentleman. Not only was there a feeling of relief throughout the whole country when the former insolvency law was repealed, but there was a feeling of regret last year through the country when the impression got abroad that another insolvent law was likely to be passed. No petitions came here in favour of this bill last year from any bodies except the boards of trade. Some boards of trade were opposed to this measure. If I am not mistaken the board of trade of the city from which the premier comes sent a petition against this bill last year.

Hon. Mr. READ (Quinté).—That is the only one.

Hon. Mr. POWER—I do not know whether a petition against it came from the board of trade of Halifax, but I know the board of trade of Halifax is altogether opposed to the passage of an insolvent law, and their opposition to insolvency legislation was so great that they would not even pass a resolution in favour of the insolvency bill before the Nova Scotia legislature this year. There have been no petitions for this measure this year at all. It may be said, and probably the Prime Minister will say, that if there have been no petitions for it there have been none against it. Why have there been none against it? Simply because the impression got abroad that the bill was dropped—that there was no inclination to proceed with the measure. I know that was the impression in the city from which I come. It will be remembered that in the speech from the throne this year we were told by His Excellency's advisers, through his mouth, that the business depression which had prevailed so extensively throughout the world had not been as keenly felt in Canada as in other places. One great reason for that was that we had no insolvency law here. Just on account of the absence of an insolvency law business has been done in a careful and conservative way. Business people did not take any risks, either sellers or buyers. A small dealer who felt that he had to pay 100 cts. in the dollar was very likely to be careful not to buy more than his business called for. If he felt, as would be the case if this bill became law, that he could settle with his creditors for 50 cts. on the dollar, he would not be so careful or so conservative. I feel that now, when the opinion is that the lowest point of depression has been passed and that times are likely to improve, to pass an insolvent law the practical effect of which would be to allow a man to pay $1 with 50 cents, would be to make a very great mistake and to take a step which would be calculated to interfere with the revival of business and for that reason I think this bill should not pass. It is true it seems a regrettable thing that we should have spent a considerable amount of time on this bill last year and devoted a great deal of labor to it, but we did not hurt ourselves — it kept us, perhaps, out of mischief. Our object was to make the measure as little injurious as possible, but that end will be much better gained if the bill does not pass at all. The position, as the hon. member from Albert said, has been changed since last year. The bill which was passed in this House last year was introduced at the instance of some boards of trade of the upper provinces. Hon. gentlemen, who were members of the special committee who had charge of this bill last year, will remember that the representatives of the boards of trade and of the banks both said before that committee that if they had in the smaller provinces such legislation as existed in Quebec and Ontario, they would not ask for a Dominion measure. Another thing has been stated by the hon. member from Albert, that at the time we met last year there was some doubt as to whether or not the Ontario Act was within the jurisdiction of the legislature of that province. Since that time the Judicial Committee of the Privy Council have decided that the Ontario Act is *intra vires*. The Ontario Act has given satisfaction, the Quebec Act has given satisfaction, the New Brunswick Act will no doubt give satisfaction in that province, and then we have

only to deal with Nova Scotia and one or two other provinces. As to Nova Scotia, I have very little doubt but that a bill containing similar provisions to those of the Ontario Act will be passed at the next session of the local legislature. It passed the House of Assembly during the late session and was killed in the council just at the close of the session, largely because there was not time to look after it, and the government were taken by surprise. It was killed by gentlemen who really did not understand, I believe, the effect of their action. It has been stated already and is undoubtedly true that those local acts are suited to the wants of each province. The province of Quebec has a law which satisfies its own people admirably. Ontario has a law which satisfies her people admirably, and I think the local acts satisfy the people better than any general law could.

Hon. Mr. KAULBACH—No, no.

Hon. Mr. POWER—As a matter of fact, I think the law which prevails in Quebec would not probably satisfy all the other provinces, and the laws which prevail in the other provinces would not satisfy Quebec so well. The Ontario law is likely to be enacted in all the other provinces, and you will have practically a uniform law everywhere except in the province of Quebec. There is this other reason why we should not interfere—the insolvent law was repealed in 1880, now fifteen years ago. The Dominion Government and Parliament have stood by and allowed the local legislatures to enact laws for the purpose of dealing with insolvent estates, and these laws deal with them in a satisfactory way, and to come in now at the eleventh hour and enact a law which we failed to enact when it might have been looked for, is uncalled for and unwise. It is not a proper course of action to take at all. It should be taken only in the presence of something approaching absolute necessity. There has not been any evidence whatever produced that there is any such necessity now. This is a bill which, if it became law, would be likely to disturb the business relations of the whole country, and the presumption is, judging from our experience with former insolvent laws, that it would disturb business with injurious results. There is no necessity for it, no demand for it, and therefore, I think Parliament would not be justified in passing it.

Hon. Mr. BOULTON—It was my intention to support the motion made by the hon. member from Welland with regard to the six months' hoist, but as I have been put down as a seconder of the motion of my hon. friend for the adjournment of the debate, I think that that, probably, is the most sensible course that we could pursue at present. We should never do anything in haste. This is an important question, the question of bringing our whole relations as regards debtor and creditor under an Act, and it should not be disposed of hastily. As far as I am able to judge of public opinion, I have not seen any particular demand since we met last year for this Insolvency Act, and it would do no harm if the bill were thrown over from one year to another until a demand does spring up. If it would improve our credit in the markets of the old world, from a free trade standpoint, I say that anything that will assist in that direction is desirable, and an insolvency bill probably is more for the purpose of improving our commercial credit abroad so as to bring the whole of our commercial interests into one uniform channel. In that respect it commends itself to my mind. But, in the absence of any public demand, or expression of opinion, with regard to the desirability of this legislation, I think it is probably premature to bring the measure before the country at the present moment, and in the best interests of the country, it would be desirable to support the motion for the adjournment of the debate.

Hon. Mr. REESOR—I prefer that the debate should be adjourned to give members an opportunity of discussing it, but if a division is forced on the six months' hoist I shall vote for that. I have no expectation myself that the bill could be so amended that I would support it. I agree with the arguments of those who say that the public are satisfied with the laws that the local legislatures can make for themselves and my impression is that the people of Ontario are quite satisfied with the laws that they have. At the same time, a bill that has had so much supervision should be allowed to stand over—it should go to the committee with the reservation that we shall vote as we like after that.

Hon. Sir MACKENZIE BOWELL—If I can judge from the expression of opinions that have been given by members of the Senate who have spoken, I should come to the conclusion that the consensus of opinion was against the Insolvency Act. That this is the sentiment of the Canadian community I am not prepared to admit. No one could find fault, however, with the spirit in which this question has been discussed by members of the Senate. They have given freely and frankly their opinion. There are many reasons, I doubt not, that have led many hon. gentlemen to the conclusion which they have formed; there is one thing, however, that I was somewhat gratified at learning, —and more particularly from those who have so long denounced the policy of the government, and have so long declared their want of confidence in the party who now rule the destinies of this country,—that is, that the country is in such a state at present, business has improved so rapidly, that there is no necessity for any legislation which could by any possibility interfere with that prosperity. That is the confession made by the hon. leader of the opposition, and by his lieutenant behind him, and also by the hon. gentleman from Albert.

Hon. Mr. POWER—I referred to the Governor General's speech.

Hon. Sir MACKENZIE BOWELL—I trust that upon all occasions when they may find it necessary to express sentiments in opposition to any bill that is presented to the Senate, that they may be prefaced by such remarks. If all that be correct, I would almost be inclined to yield to the sentiments expressed; but whatever course we may follow in future I must take exception to some of the reasons that have been given by the gentleman who have opposed the bill. The hon. leader of the opposition told us he had failed to discover any reason why this bill should be introduced at the present time. Every gentleman who has spoken has repeated that there has been no demand on the part of the trading community of Canada for the reintroduction of the bill or its being placed upon the statute-book. Now that may be correct, but these hon. gentlemen should remember that the late premier of the Dominion, when he postponed the consideration of the bill in the House of Commons last session, made a solemn promise that it should be presented to Parliament at the then next session, which is the present session, and the people of Canada, I am glad to know, had sufficient confidence in the leader of the government at that time, and those with whom he was associated, to trust in the promise which he made. It is a very good answer to the gentlemen who have taken this objection to say that that promise having been made by the leader of the government at the time, it was not necessary that boards of trade, or merchants, bankrupts or those who were interested in an Insolvency Act, should again petition and keep continually petitioning Parliament It must be a pleasure to every Canadian to know that when the premier makes a solemn promise the general community believe in him and act in accordance with the statement he has made. That is the only answer I have to make to the objection that there has been no petition for the reintroduction of the bill. Whether this bill is to become law or not, the government of which I am at present the head have done their duty in carrying out the promises which were made by the hon. gentleman who preceded me. The suggestion made by the leader of the opposition in this House is, a very reasonable one, that if itwere not intended that the bill should be introduced into the lower House it was useless for us to occupy our time in considering it here. I am fully in accord with that sentiment, believing that it would only be child's play to introduce a bill into this House particularly a bill involving such important principles as those contained in an insolvency law, merely for the purpose of sending it to another House knowing that it would be rejected there, or perhaps not considered. If I could believe for a moment that that was the intention of the Commons—I know it is not the intention of the government—I would not proceed one step further with the bill even if this House approved of its principle. The fact that some of the legislatures have passed Acts would have some force if all the local legislatures had acted in the same way, and if the provisions of the different laws in the different provinces were such as to protect creditors in different parts not only of the Dominion, but of Great Britain as well. It has been very well said by the hon. member for Marquette that a bill of this kind would have some effect upon the credit of the Dominion abroad It has

been alleged by English merchants, and by merchants in other European countries, that there was no law in Canada by which they could be protected if they gave credit to Canadian merchants. The practice in the past has been, in too many cases, that where there were dishonest men, to whom my hon. friend from Monck referred so often, they have taken advantage of that Act and made assignments or effected settlements by which the European creditors were cheated out of every dollar that was due to them.

Hon. Mr. McCALLUM—I do not think I said cheated.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman spoke of dishonest men.

Hon. Mr. McCALLUM—And honest men too.

Hon. Sir MACKENZIE BOWELL—I will come to that presently—and that these men would take advantage of a bankruptcy law in order to cheat their creditors and undersell their competitors and thereby injure the trader who was pursuing an honest and legitimate business. That was one reason why it was thought in the interest of the credit of the country that a Bankruptcy Act should be placed upon the statute-book. One hon. gentleman objected to the bill because there were certain exceptions, or certain provisions which did not apply to the province of Quebec in the same manner that they applied to other provinces. Now that is a clause which does not in the least affect the principle of the bill; it is simply a provision to carry out the law as it exists in the province, in the advertising of and the disposition of the property and particularly of the real estate of the debtor. That is the only exception in the bill, and it cannot be considered at all fatal to its passage. I do not know what the hon. gentleman who spoke of the bill as not coming before the House in a legitimate manner meant. I should take it for granted that any bill introduced and going through its proper stages was legitimately before this House, and I object to the term that this bill is an illegitimate one in any sense.

Hon. Mr. POWER—I do not know whether the hon. gentleman refers to me, but I never used such an expression.

Hon. Sir MACKENZIE BOWELL—I have no recollection of attributing the expression to the hon. gentleman.

Hon. Mr. POWER—I said it did not come here in the ordinary way.

Hon. Sir MACKENZIE BOWELL—I took down the exact words that were used but I mentioned no names.

Hon. Mr. McCLELAN—I suppose the reference is to some remark of mine. I intimated that it was not presented in this chamber in the ordinary way that government measures are presented. It was brought here without the principle being discussed on the second reading in any way, and referred to committee, and it came rather, as I said, as the emanation of a committee of this House than as emanating from the government. I did not intend to apply it in the sense that the hon. the First Minister mentions. The hon. leader also made a reference to my objecting to the bill on account of there being a variation in it as far as relates to the province of Quebec. I made that observation, not as an objection to the bill, but because my hon. friend from Hamilton said it would be a uniform measure. I said it would not be uniform, because the same provision would not apply to Quebec as to the other provinces; I did not speak of it as an objection to the bill at all. Then my hon. friend alluded to me along with my hon. friend from Ottawa and my hon. friend from Halifax, alleging that I stated that the country was not now in a state of depression, and thereupon congratulating himself. I did not say that. I stated that I assumed that the bill was introduced last year on account of the state of depression in the country.

Hon. Sir MACKENZIE BOWELL—I have no objection to the interruption of the hon. member, although it is rather unusual to interrupt a speaker and make a second speech.

Hon. Mr. McCLELAN—I was correcting three misrepresentations with one interruption.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman, like many others, has to explain what he really did say, or what he meant. It must also be gratify-

ing to the hon. gentleman to explain what might be considered an expression of approval of what had been done, or an admission that the country was not in as bad a state last year as it was in 1875 and 1876. I know from past experience that men holding rather strong political opinions are very apt to give expression to them and then, when their real honest sentiments are expressed, they forget that they have been politicians, and give vent to that which is really correct. I am glad to know that that sentiment pervades all members of this House. However, I am not going to discuss the merits of the bill at any length, nor to refer to all that has been said. There was one sentiment expressed by the hon. member from Lunenburg, which I thought had very great force among the many opposite views that were presented. He thought that as there was likely to be an election in a short time, this measure might very properly be delayed until the expression of opinion of the Dominion had been given. There is a great deal of force in that statement. If this question were to be a test question at the polls, I would accede at once to the suggestion which had been made, but that will in all probability not be thought of unless it is considered in connection with the great trade question of the country, and it is just as well to decide whether this bill shall become law at the present moment, or not. The great and paramount reason for placing an Act of this character upon the statute-book is to deal with the great question affecting debtor and creditor and make the law general. We should have as great uniformity as possible throughout the whole Dominion. By doing that the creditor who trusts his goods to any person in a remote part of the country knows that in case of a failure he will have as fair an opportunity of receiving his proportion of whatever assets there may be as the man who lives near by. I am not so sure that the statement made by the hon. member from Halifax is correct, so far as the province of Ontario is concerned. It is true that there is a law upon the statutes providing for the distribution of assets; but a Montreal merchant, the president of the board of trade, called my attention to-day to the fact that a debtor can mortgage all his book accounts. Now if that be correct —and I have no doubt it is from the statement he has made; I have not investigated it myself or examined it—then the result would be——

Hon. Mr. SCOTT—He could not do it if he was insolvent at the time.

Hon. Sir MACKENZIE BOWELL—He does it before he goes into insolvency.

Hon. Mr. SCOTT—It would be the same under the Insolvent Act; it would be void as against the creditors if there was fraud.

Hon. Sir MACKENZIE BOWELL—If he is indebted he can mortgage it to the party he owes.

Hon. Mr. McKINDSEY—Only for a bona-fide loan.

Hon. Sir MACKENZIE BOWELL—Then that makes it a great deal worse, because if a dishonest trader, or a man who desires to be dishonest, has a book account worth $10,000 or $15,000, he can raise his $10,000 in cash by mortgaging them and put the money in his pocket. He is in a much better position than if he were not able to mortgage and raise the money at all, unless he could be compelled, in the borrowing of that money, to pay off his other indebtedness, and that is what the honest man would do; but the Insolvency Act is for the purpose of preventing, as far as possible, a dishonest man from disposing of his property to the disadvantage of his creditors. There is no doubt about that; and it is not, as my hon. friend from Monck imagines, for the purpose of giving an opportunity to a dishonest man to cheat his creditors. The dishonest man, who goes into trade for the purpose of making money at the expense of those who trust him and for the purpose of defrauding his creditors, will do so no matter whether there is an insolvency law on the statute-book or not.

Hon. Mr. McCALLUM—You encourage them by this bill.

Hon. Sir MACKENZIE BOWELL—My hon. friend says the bill encourages them. Instead of giving the dishonest man a greater opportunity to cheat his creditors, this bill would prevent him. I am quite in accord with all that has been said in reference to the working of the old law. The assignees and the lawyers, under the old Act, did appropriate the greater portion of the different estates—at least that is alleged to have been done.

The receiver under this bill does not occupy the same position in any way. The receiver only takes possession of the property of the debtor and holds it without dealing with it in any way until the creditors appoint their liquidator; the object of the bill is to throw the whole responsibility on those who are most interested, the creditors, of dealing with and disposing of the estate instead of leaving it, as the old law did, in the hands of assignees and those by whom they were surrounded to dispose of and absorb. So much for that portion of the bill. It has been objected that the bankers and the merchants are the parties most interested in the passing of this bill. There can be no doubt of that fact. It is from the fact that the wholesale merchants and the bankers are the parties who give credit to the persons who ultimately go into bankruptcy, and that being the case, I know of no class of men who could be so deeply interested in securing a proper and legitimate distribution of the estates as those who have trusted them. I am in full accord with my hon. friend behind me who said a few moments ago that he could see no reason why a bankruptcy act should not apply to all classes of the community. I expressed that view very strongly years ago in the House of Commons; I expressed it also when this bill was before the House last session, and when it was before the Committee. The great majority of the gentlemen present took a different view; and in that, as in some other cases, much against my will, I had to yield to the opinion of the majority. My opinion, however, on that point has not at all changed. I know of no reason why the law as it exists in England should not exist in Canada, any Bankruptcy Act which is put upon the statute-book should apply to all debtors, whether a chimney sweep or a formerly princely merchant. In that respect I think the principle upon which the English law is based is the correct one, that every man should stand before the law in the same position and in the same light. However, I know that merchants, and others who are not traders, take a different view in Canada, and the majority under our system must rule; but it is one of those instances where, speaking individually, I think the majority is wrong. The difficulties that have presented themselves in the past continue in the future. In Nova Scotia there is no such act upon the statute book as that which exists in New Brunswick, and in the provinces of Ontario and Quebec. Neither is there any such law existing in Manitoba or in British Columbia. I cannot understand how the objection which was raised, I think, by the hon. gentleman from Albert—that is the reference which he made to the law of exemption—can apply in any way to this question of bankruptcy. The law as it stands upon the statute-book in Ontario exempts certain properties from seizure for debt. It goes to a much greater length in the province of Manitoba; but if a merchant gives his goods to a retailer in Manitoba or in Ontario, he knows, or ought to know, that that is the law of the land, and to that extent his security is of no avail, and consequently he gives the credit with a full knowledge of what security he has—the honesty of the man himself. If the law were to abolish the power of collection of debts altogether, then the trader who trusted his goods would know that he was giving them to the party who purchased, upon his sole responsibility and honesty. But as that does not exist, and as there should be a fair and equitable distribution of the debtor's estate when he goes into insolvency, I see no reason why this bill should not be placed upon the statute-book. In reference to the motion for the six months' hoist, of course if that carries it puts an end to the bill, so far as this House is concerned, and for this parliament and perhaps for all others. I am very much obliged to the hon. gentleman for the good opinion he expressed of me. I do not think, however, that there is any gentleman in this House who would cast his vote on that consideration. I should not expect or ask, no matter how high an opinion anyone might have of myself individually, that he would cast his vote contrary to the principles which he holds, or against the dictates of his conscience. That would be asking a good deal too much. I, however, do say to my hon. friend that the six months' hoist is rather a summary mode of disposing of a bill of this character. I do not complain even of that, because I know what strong views my hon. friend has upon the question and the sooner he could kill the bill the better he would like it. The motion made by my hon. friend for an adjournment of the debate is one that is usually adopted in all deliberative assemblies when a question of this character, and one which involves so grave

a consideration, is under discussion, where the Government, or the individual (if a private measure) would desire to consider the question as to whether he would press it, or not, and knowing that to be the practice in all deliberative bodies unless there is a determination to kill or strangle the bill.

Hon. Mr. MILLER—I do not think that that is the intention of the House. After the remarks which have fallen from the hon. Premier, I presume there will be the usual courtesy extended to him that there would be to any mover of a bill and that the adjournment will be granted. I intended, however, had that motion for the six months' hoist been pressed, to vote for it.

Hon. Sir MACKENZIE BOWELL—I was intimating what the practice was on these questions, and I am glad to know that one of the best parliamentarians in the House takes the same view that I do. It is an important measure, and much time has been given to the preparation of it; but to those who think an Insolvency Act should not be placed upon the statute-book of Canada, I frankly admit that it is their duty to oppose it. I would not ask any man to vote for a bill of that kind if he thought it was going to prove detrimental to the interests of the country. But I do wish to impress this upon the House, that it has been strongly urged upon the government that some measure should be placed upon the statute-book which would give the merchants of Great Britain and foreign countries confidence, not merely in the laws of their country, but that they should not be deprived of their rights in the proper redistribution of estates when the traders of this country became insolvent. I might go on for an hour and point out, as every merchant who has done business in Canada knows, and as every banker knows, frauds and iniquities have been perpetrated in the past in the manner in which foreign creditors have been deprived of their share of the estate of debtors. In those provinces where there is no such law and the creditor can take advantage of his position and his proximity to the debtor, and thereby get an assignment by which he can secure his debts at the expense of another, that is a reason why they would oppose a general act. But I do not think it is a statemanslike view to take of a question of this kind. I have no more to say at present, but as it has been moved by my hon. friend from Rideau that the debate be adjourned, I shall accede to that, as far as I am concerned, and vote for it if it is the will of the House that it should be done.

Hon. Mr. SCOTT—I would like to make a correction. The hon. Premier stated that an English gentleman had informed him that as the law stood in his province, where there was distribution of estates a party could mortgage his bo k accounts. Well, I am inclined to think that the law of Ontario on that subject is even better than the proposed provisions in the Insolvency Bill. Under the Insolvency Act the time fixed within which it shall be lawful for a party who subsequently goes into the insolvency court to make any assignment or transfer is 30 days.

Hon. Sir MACKENZIE BOWELL—You are referring to what?

Hon. Mr. SCOTT—To the observation that one of the necessities for an Insolvency Act was that a merchant might mortgage his book accounts and subsequently go into insolvency.

Hon. Sir MACKENZIE BOWELL—I was not referring to the English Bankruptcy Act. I was referring to the Act relating to the distribution of estates as it stood upon the statute-book in Ontario.

Hon. Mr. SCOTT—But that has been an argument used to show the necessity for an Insolvency Act, that at present a merchant might m rtgage his book acc unts. I say the position taken under the Insolvency Bill is not as sound and judicious a one as the provision in the Ontario Act. Under the proposed insolvency law and assignment or transfer made anterior to the insolvency might be good. The clause in the Ontario Act would be more satisfactory than the one in this bill.

Hon. Mr. BELLEROSE—Did I understand the premier to say that in England the same law applies to the whole community, and to ask why should there be a difference between this country and England?

Hon. Sir MACKENZIE BOWELL—It designates them as debtors no matter who or what they are.

Hon. Mr. BELLEROSE—I find a great difference between the circumstances of England and of Canada. In England, there is an aristocracy, who are quite wealthy; then there is a great middle class, who are the tradesmen—the debtors; then there are the working men, but these men have no property generally. In Canada, there is only one class, the middle class—the proprietors, the owners of the soil,—and to make them subject to this law is quite unjust, because they have in their hands sufficient to cover any debt they may contract.

The motion to adjourn the debate was agreed to.

## THIRD READING.

Bill (F) "An Act to amend the Act intituled, 'An Act to amend the Copyright Act.'"—(Mr. Angers.)

## INDIAN ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (G) "An Act further to amend the Indian Act."

Hon. Sir MACKENZIE BOWELL—I think there is a little ambiguity in the wording of the first clause, which might lead to some misapprehension as to its meaning; and I would therefore move that the word "but" in the third line be struck out, and that the words "provided that" be substituted therefor. The first portion of the clause prevents the leasing or alienating or selling of any portion of the reserve until it has been released or surrendered. Then it says "but the superintendent general may lease." It might be inferred that the latter clause was contradictory to the first. The Minister of Justice suggested that these words "provided that" would convey the meaning better.

Hon. Mr. POWER—That alters the wording of the clause, but it does not alter the meaning. My objection to this provision is this: These Indians are treated as the wards of the country. They are treated as children, and properly so. The Indian Act makes special provision to hinder the reserves, which are set aside for the Indians, from being appropriated to other uses than those of the bands of Indians residing on them. The old Indian Act forbade any reserve, or a portion of a reserve, being sold or alienated until it was surrendered to the Crown, except in the case of Indians being sick or otherwise unfit to cultivate their land, in which case the superintendent general had power to lease the lands to which those persons were entitled. That limits the power of the superintendent general. The old Act contains provision preventing any reserve from being released except with certain solemnities. What does this clause propose to do? It proposes that the superintendent general may lease for any Indian the land to which he is entitled without any release or surrender. The superintendent general takes his information from the officer who is specially charged with the management of Indian affairs. That officer may or may not be a reliable man. It is presumed that he would be. But the acting head of the Indian Department at Ottawa takes his information from the Indian officer near the reserve. We have no guarantee that those men are any better than their neighbours. I presume that they are of good character generally, but we have instances in which they have been proved to be subject to temptation to do wrong, and we put them under greater temptation than we should when we allow an Indian officer in some remote part of Manitoba or British Columbia, or some other place distant from Ottawa, to recommend that a certain portion of the reserve be leased; and that portion may be leased to white friends of the agent. There is no provision forbidding the leasing of a portion of the reserve to some person other than a member of the band, and it must strike the House that it would be highly objectionable that white speculators should be allowed to come in and lease land, possibly in the middle of an Indian reserve. I have not, unfortunately, made myself familiar with the whole of the Indian Act, and that is one reason why I should have preferred to have this matter adjourned until another day, but so far as I can see, there is nothing to prevent an Indian officer recommending that a portion of an Indian reserve be leased to some white friend. These Indians are, as I have said, regarded as infants in the eye of the law, and should be protected, and there should not be any opportunity given for speculators to go on those reserves and get possession of their

lands. Serious difficulties have already arisen where outside persons have got on the reserves in the eastern provinces. There should be some qualification of those powers given the superintendent general. I do not think any person who is not a member of the band, should be allowed to occupy land on an Indian reserve. I submit that, however, for the consideration of the committee.

Hon. Mr. KAULBACH—Is the superintendent general the Minister of the Interior?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. KAULBACH—Then I do not see the same objection that I otherwise would have to this clause.

Hon. Sir MACKENZIE BOWELL—The remarks of the hon. gentleman from Halifax are evidence that he has not given much study to the settlement upon these reserves. If he will some Saturday, when I have time, come with me to the Bay of Quinté I will take him to an Indian reserve where he will find two-thirds of the lessees of Indian lands are white men.

Hon. Mr. POWER—It is a great abuse.

Hon. Sir MACKENZIE BOWELL—No, because if that were not the case the lands would be lying waste and the Indians would not receive the benefit which arises from the rents paid for those lands. There is a very large reserve in the township of Tyendinaga, and that is an illustration of the whole, so far as Ontario is concerned. There are many Indians occupied in stores and shops. I know of one who is book-keeper of the great firm of the Rathbun Co., which is one of the largest lumbering firms in Canada. Other Indians have their allotments of land—it applies as much to them as it could to any Indian who forms part of the band. The gentleman to whom I have referred as being a book-keeper in the Rathbun Co. is an educated man—a gentleman in every sense of the word. He does not think proper to live upon his land, but he goes into a lumbering establishment and occupies the same position there that a white man would as book-keeper of the establishment. If my hon. friend's views were carried out, this Indian's land could not be leased or rented for his benefit, unless it were done for the purposes that are defined in the old act where Indians are engaged in occupations which interfere with their cultivation of the land. These words are struck out of the amended Act and enable the superintendent general to lease property such as that to which I have called the attention of the House for the advantage of a man who may be occupied in pursuits outside of the reserve. The state of affairs to which my hon. friend objects has existed ever since the law has been on the statute-book. The clauses to which he refers makes provision that you cannot dispose of or lease those lands without the consent of the band, but this takes power to enable the superintendent general, in cases such as that to which I have referred, to lease the land of the Indian for his benefit. Otherwise it could not be done. That is really the only change in the law. I am quite sure if my hon. friend were acquainted with the practical working of it, he would withdraw his objection.

Hon. Mr. BERNIER—Does the hon. gentleman say that this law does not take away the right of the band to consent? Does it require in every case the consent of the band?

Hon. Sir MACKENZIE BOWELL—No not for the individual, nor did the old law. If you wanted to lease a farm, or a portion of a reserve which belonged to an individual Indian who did not live upon the reserve but earned his living otherwise, under the law as it stands on the statute-book you could only lease it under such circumstances as are specified in the law. The provision of the new law is that you could lease it for the benefit of the person who owns the land without the consent of the band.

Hon. Mr. BERNIER—And without his consent?

Hon. Sir MACKENZIE BOWELL—Oh no, not at all. Under no law could you take a man's property and lease it without his consent.

Hon. Mr. BERNIER—As this clause reads it would appear to be so.

Hon. Sir MACKENZIE BOWELL—That is provided for in other clauses. The amendment simply amounts to this, that the

superintendent general may lease the property belonging to an Indian, who does not desire to live upon his land, for his benefit. There are, as I pointed out before, Indians in Ontario who live upon their income and they do not want to work their farms. They go into the towns to live. They own their property and it is leased for their benefit.

Hon. Mr. POWER—It is perfectly true that I looked at the law from the standpoint of remote regions.

Hon. Mr. MACINNES, from the committee, reported that they had made progress with the bill and asked leave to sit again.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Thursday, 30th May, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (27) " An Act respecting the Alberta Railway and Coal Company."—(Mr. MacInnes, Burlington.)

Bill (36) "An Act to amend the Act incorporating the Canada and Michigan Tunnel Company, and to change the name of the company to the Canada and Michigan Bridge and Tunnel Company."—(Mr. McMillan.)

Bill (32) " An Act respecting the Ottawa and Parry Sound Railway Company."—(Mr. McLaren.)

Bill (50) "An Act respecting the Manitoba and South-eastern Railway Company."—(Mr. Bernier.)

## REBATE ON EXPORTS.

MOTION.

Hon. Mr. BOULTON moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a return showing the loss to the revenue occasioned by the payment of rebates of customs duties on articles exported.

He said : Before putting the question I should like to make a few remarks explanatory to the position that I feel we are placed in with regard to the question of rebates on exports. It is a question that is emintly fit I think for a member from the North-west Territories to discuss before this honourable House, because we are growers of wheat and the raw products of the country, and are depending upon the machinery and other things necessary for us to produce that grain. I wish to point out how far the the question of rebates on exports is likely to effect us in competing with those nations with whom it is proposed to give more favourable terms for the purchase of machinery than we in the North-west Territories and in Canada generally are to be allowed to enjoy. A great discussion has just been brought to a close in the budget debate to which we have listened and heard, and in which both the parties have discussed the commercial questions affecting the country. Last night I had the pleasure of listening to a very eloquent speech from the Secretary of State in which he presented the commercial policy of the country from the standpoint of protection. I may congratulate the government upon having brought into its council a man who has displayed so much ability as he displayed in presenting the arguments on behalf of the policy that has been pursued by the present government for the last seventeen or eighteen years. My hon. friend on my left says it is a good cause—it is a bad cause in its commercial aspect, as time has proved. Both parties have presented their views on the commercial policy of the country. As hon. gentlemen know when I rise to present my views upon the commercial question it is always upon the basis of free trade. Liberal leaders have in the House of Commons during the course of the debate advanced in some instances sound free trade arguments, but unfortunately the Liberal party as a

whole has announced its policy when in convention assembled a couple of years ago, and they have mixed up reciprocity with free trade. In my opinion, the Liberal party want to throw their protectionists overboard before they can present to the Canadian people a sound commercial policy that will lay the foundation of permanency, economy and expansion. The same argument might also properly be applied to the Conservative party, if they desire to retain the confidence of the people. Time works changes in the public mind. I presume, that the protectionists in the Liberal ranks have held down the free traders so that there may be an open door in order that they may modify the views of the party on the line of protectionist interests that may exist in the Liberal ranks. I consider that reciprocity and free trade are two different things. They do not amalgamate—they cannot amalgamate. You can not have reciprocity and free trade at the same time. Reciprocity conceives the idea of trading freely with one country to the exclusion of other countries in the world. Free trade means that you shall open your doors to the competition of the world in order that by that means the cheapness of production for all the commodities of life may be so assured to the labour and industry of the country that they may compete successfully in the larger markets of the world which are open to those who are able and have the resources and the faculty of producing or manufacturing. For that reason I desire to preface my question with some remarks on the question of free trade and of revenue which is involved of course with it. The rebate on exports is really a bounty on exports—and what has induced the government to adopt a new policy in regard to rebate on exports which has free trade for its foundation? The reason they have adopted a new policy, I think probably commences with the agitation launched by the Massey Manufacturing Company. That company is a large agricultural machine company, with a large capital employed in the city of Toronto. They have been manufacturing agricultural machines very largely for us in the North-west Territories and in Manitoba. They have sold us machines there on credit and long credit—one, two and three years, and the difficulties that we have had to contend with, the cost of the machinery, the distance, the freight rates and one thing or another has operated to such an extent that the Massey Manufacturing Company have been obliged to withdraw a large portion of their trade and change the conditions on which they conducted it. Because they found we were not able—not that we were not willing, but we were entirely unable out of the receipts in pursuing our industry in that country in the growth of wheat, we were not able to meet the heavy demands made upon us for the purchase of machinery for the producing of that wheat, and they had to seek some other market for the employment of skilled labour and their capital which they had at their command. They conceived that it would be necessary for them possibly to change the location of their works—to move from Toronto to Buffalo in order that they might manufacture for the United States market, where they could get the articles entering into the production of their machinery for less money, where they can get iron at $9 a ton, coal without duty, oal oil at 8 or 10 cents a gallon, and crude coal oil at less than 1 cent a gallon, etc., etc. All these things enter into their machinery, and if they wish to get into the markets of the world with a cheaper article it will be necessary for them to move from the city of Toronto to the United States in order that they may have the benefit of the cheaper articles to enlarge their operations and enter the markets of the world for the production of their machinery.

Hon. Sir MACKENZIE BOWELL—To a protective country.

Hon Mr. BOULTON—Yes, but from a country where the articles they require are higher than they are in the United States in consequence of unnecessary taxation. We in Canada have a protective policy, and, although in the United States iron, through the competition of the south entering into competition with the north, has brought the price down to $9 a ton, we put on 50 per cent duty before the Massey Manufacturing Company can purchase that iron or iron produced in Great Britain or elsewhere by competition. It is quite evident to any one that it is impossible for the Massey Manufacturing Company to go beyond the confines of the protected area of Canada for a market for their machinery, when they have had to pay 40 per cent or 50 per cent more for the raw material they require for the

product of their manufactures, and compete with a country that gets it at a lower price.

Hon. Mr. McCALLUM—They can do it by a rebate.

Hon. Mr. BOULTON—That is exactly what I am coming to. I was merely explaining why the government in order to retain the Massey Company and other companies within the confines of Canada to pursue an industry that they had all the facilities for pursuing in the confines of Canada and make this a field for operating instead of the United States for foreign markets, that the government adopted the policy of giving a rebate on exports; that is to say, that any machines that are made by the Massey Company to be exported to Russia, the Argentine Republic, Australia or the European continent or any other part of the world should have the benefit of the cheaper material for manufacturing purposes than we are to be allowed to compete with in Canada in the purchase of machines from the Massey Manufacturing Company. Now, hon. gentlemen the price of our wheat is gauged entirely by the export value. We have to compete for the sale of our wheat in the English market, which is the great consuming market, and consumes all the surplus product that the world offers, and the price of our wheat is gauged entirely by the value that we obtain in competition with other countries in Great Britain. We have to compete there with Russia, the Argentine Republic, Australia and with India and all other countries. Now, the policy of giving a rebate on exports is a policy to enable the manufacturer in Canada who is protected by the advantages that Canada offers. They are going to be put by a remission of taxation upon their raw material in a position to sell to our competitors machines for the production of wheat, and every other line of industry in which we enter into competition with them at a lower rate than is to be allowed to be purchased by the people of Canada.

Hon. Mr. McCALLUM—Supposing we do not manufacture them in this country at all. They cannot export them. The people get the benefit of the employment here if they are taken into other countries. The object of manufacturing is to get the money made for the labour of the people and manufacturing men. If they did not manufacture them here, of course they would not want the drawback; so, really, the government loses no money by manufacturing these machines in this country but on the contrary, when they export them to other countries we get the benefit by our people being employed in their construction.

Hon. Mr. BOULTON—Well, the hon. gentleman has put it from the manufacturers' standpoint, or, perhaps, from the protectionists' standpoint, but all manufacturers are not protectionists. The hon. gentleman has put it, probably, from the standpoint in which he enjoys the benefit of being in proximity to the manufacturer as a farmer which he is—a large farmer. He puts it from that standpoint. I would however point out to the House of Commons that under a system of free trade the growth of our towns and cities will be greatly stimulated under the commercial system of free trade. I am presenting it from the standpoint of the farming community of the great West, which depends entirely upon seeking a foreign market, thousands of miles away, for the sale of their product. If by a different system those centres which consume our wheat can be brought closer under a more enlightened policy. We are put at a very great disadvantage in producing our wheat with machinery that costs more than we are by legislation permitted to purchase, while Russia and people in other countries enjoy a rebate. Now, I do not think that any one can successfully argue and successfully refute the statement that if it is necessary for the Massey Manufacturing Company to get into the markets of the world to sell a machine that will find a ready sale in the markets of the world, and that in order to enable them to do so, it is necessary to put them in a position to produce that article cheaper, that they have to compete closer and have to sell for less, then I say, hon. gentlemen, it unquestionably must be sold to those foreign countries cheaper than it would be allowed to be sold to the people of Canada, and what I wish to argue is that if it is advisable to stimulate our manufacturing industries — my hon. friend from Welland stated by a rebate on exports—why is it not advisable to put the people of Canada in a position to sell everything they are able to sell in the markets of the world by a rebate on exports or on

duties of all kinds that enter into their industrial life. I do not say only upon exports, but a rebate of duty on everything. That is what free trade is. Free trade is the competition that has only been secured by the people of Great Britain; not secured because it is forbidden to anybody else, but it is secured because other countries have failed to realize the full strength of the policy of Great Britain in so applying her commercial principles that the cheapness of her products can enable her to conduct enormous productive enterprises in various industries and to sell the product of that industry in the markets of the world and to compete with every other country in the world and penetrate their barriers. If the people of Great Britain are enabled to do that to-day, then I say all that we have to do is to apply the same economic conditions to ourselves in Canada the same commercial conditions will flow from it, will be ours. A great argument which is advanced on behalf of protection is that by confining within our own bounds the power of manufacturing for the people in a restricted area, that by that means we build up commercial centres, and bring them closer to the farming population. What I have to say is this, that the commercial centres that are built up in Canada, and have been built up in Canada are confined in their operations and in their growth entirely to the purchasing power of the 5,000,000 people. The manufacturing has got to stop, the growth of towns has got to stop, the growth of everything has got to stop the very moment the purchasing power of 5,000,000 people have been fully satisfied if they have no power as far as our manufacturing is concerned to go beyond the confines of Canada for the sale of articles that it is eminently fited that we in Canada are enabled to pooduce in consequence of our magnificient water power, in consequence of the intelligence and industry of our population, in consequence of the facilities that we have for exporting to the markets of the world by ocean transport, the cheapest form of transport that there is known. We have all those facilities, we have all those conditions hon. gentlemen. We have the avenues opened up by the commerce of Great Britian. We have that commerce protected by the navy of Great Britain. We have all those advantages which are ours and costing us nothing. I wish to impress upon this House the fact that this rebate on exports is putting our competitors in a better position to sell their wheat at a lower price and forcing us into closer competition to sell our wheat in consequence of the cheapening of the machinery which they are employing to-day.

It is really an export bounty, and we have seen what the effect of an export bounty has been in Germany and France and continental countries in the case of sugar. The continental countries developed the policy of making this sugar to compete with the cane sugar from the West India Islands, the Java Islands and other countries that produce it, and they gave an export duty on sugar, and the result of it was after their own market was glutted, and ruin stared this exotic industry in the face, in order to get it abroad and enter it in competition with the cane sugar, they found it necessary to tax themselves to an enormous extent to maintain the industry; and what has been the result? The result has been that in France the tax has risen as high as eighteen million dollars a year that the sugar industries of France were paid in order to enable them to get beyond France with their sugar. The people of Germany taxed themselves eight million dollars a year in order to give cheaper sugar to Great Britain and other countries. Now what was the result of the people of the country itself? In Germany it was brought out that the people of England, while they were maintaining a very large import of cheap sugar, were getting a consuming power of 75 pounds per head of the population while the people of Germany were only able to consume, for their own use, 15 pounds per head, in consequenc of the increased price by protection and lessened purchasing power.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. BOULTON—Now, that was the effect. They were impoverishing their own people—they were reducing their purchasing power through the taxation they were putting upon themselves in order to foster an exotic growth instead of leaving it to the freedom that free trade would give them to develop their industries by natural means. If we commence a policy of that kind under a policy of rebates on exports we are going to arrive at exactly the same position. If we give rebate on exports of agricultural machinery why not on exports of

beet root sugar, why not on cheese, butter and every artictle produced in the country? If you do so you are going to find that the revenue of $36,000,000 a year is by no means going to be sufficient to run the country when you have arrived at a development of a policy of that kind and try to regulate an equal distribution of the profits of labour by legislation. The people will have to put their hands in their pockets and submit to an extra taxation of $20,000,000 or $25,000,000 a year according to the growth and development of the policy. Therefore, I have risen in my place here to hold out a warning voice in order that this policy may not be pursued any further unless the same benefits are accorded to the Canadian people themselves. A more wholesome policy than that of giving rebates on exports is open to the people of Canada—that is the entire abolition of duties on the necessaries of life and all that enters into the industries of the people, whether it be coal oil, iron, cotton, sugar or any of those articles that we require and that are now highly protected by the protective duties imposed during the past seventeen years. Of course there is no doubt about it that the question of revenue enters into any discussion with regard to the question that I am now bringing before the House. It is therefore necessary for me to outline some idea as to how the revenue may be raised before I can justify the position that I am taking. Hon. gentlemen, when I have before discussed this question of free trade, have asked, how are you going to raise the revenue, and that has always been to the people of Canada a very serious matter. As one gentleman said to me, show me how you are going to raise a revenue under free trade and I will vote for it, but I cannot see how a revenue is to be raised under the system that you suggest.

Hon. Mr. POWER—If the hon. gentleman will excuse me, this subject which he proposes to deal with now is very interesting and important, but I cannot see that it has any direct connection with the notice that he has given.

Hon. Mr. KAULBACH—We ought to hear the hon. gentleman out. He is going to show us how he is going to get a revenue under free trade.

Hon. Mr. POWER—The hon. gentleman from Shell River must see this, that however pleased we might be to listen to him for some time, we would not, perhaps, be so willing to have the hon. gentleman from Lunenburg and some other hon. gentlemen rising to make speeches on the general question of free trade and protection when the hon. gentleman sits down, as they will have a right to do.

Hon. Sir MACKENZIE BOWELL—Or to receive a lecture from the senior member from Halifax.

Hon. Mr. BOULTON—I was particularly anxious to have a free discussion of this question in its relation to revenue and I consulted with my hon. friend from Halifax (who on matters of procedure is a good authority) how it was best to get it before the House, so that I might not be confined. The hon, gentleman will see that the question of revenue is involved in a matter of this kind because there has to be something to replace the revenue loss to the country by the adoption of free trade.

Hon. Mr. POWER—That is perfectly proper.

Hon. Mr. BOULTON—The rebate of duties means that certain articles come into the country paying a duty and when they go out of the country again these duties are refunded. I happen to know that there are 150 binders manufactured, by the Massey M'f'g. Co. ready for export to Russia. The government is called upon to pay any duties that may have entered into the construction of those 150 binders.

Hon. Mr. MACINNES (Burlington)—You mean dutiable goods?

Hon. Mr. BOULTON—Yes. The government will return to them the money that the Massey Company paid on the articles entering into those exports. It brings the question of revenue prominently before the House in the discussion of this question. I wish to show how a revenue can be raised to replace these rebates on exports and rebates of duties not only for the people of Russia but for the people of Canada as well. I do not expect the government is going to make any relaxation or change in their policy unless they know how they can replace the revenue in

regard to a thing of this kind, and I am anxious not only that there shall be a rebate of duties for Russia and other countries, but also for the people of the North-west Territories and the people of Canada generally. For that reason, with the hon. gentleman's permission, I will just deal with the question of revenue. The budget speech brought down by the Finance Minister shows that that there has been a deficit which he was obliged to make up of two millions of dollars, and in order to do so, what did he do? He commenced placing sugar back again on the dutiable list. Only three or four years he took three cents a pound off raw sugar and released that much from taxation.

Hon. Mr. MACINNES (Burlington)—Are not the people of Canada supplied with the cheapest sugar in the world?

Hon. Mr. BOULTON—I was offered in my home in the North-west Territories 22 pounds of German beet root sugar for $1, or 18 pounds of Montreal refined sugar. Of course, I took the 22 pounds of German sugar.

Hon. Mr. McMILLAN—The sugar was not as good.

Hon. Mr. BOULTON—That is what the storekeeper told me, but we thought differently—four pounds is quite a difference. In consequence of the beet root sugar coming into the country the result has been, in order to keep the sale of beet root sugar down, the Canadian refiners have made a great effort, and by giving 28, 30 and 35 pounds of sugar for $1 they have managed to keep out the cheaper sugar. The Finance Minister puts a duty of one-half cent on the raw and increase correspondingly the protection on the refined, so that the duty on refined sugar now is one and one-eighth cents per pound. That half cent on the raw will utterly preclude the German beet root sugar from the market, while they enjoy the benefit of six-tenths of a cent protection on the refining.

Hon. Sir MACKENZIE BOWELL—How do you establish that fact? The relative protection to the refined is precisely the same now as it was before. There is not a mill difference, except the percentage lost on the raw sugar, which is against the refiner.

Hon. Mr. BOULTON—It is not only protection but it is the duty on the raw which helps to keep out the German sugar as well as the protection. It strikes me if we want to counteract the bounty given by Germany and refuse their cheap sugar, a cent a pound without any protection would effect it. The Germans cannot sell in the Canadian market for the same price as if it was free. Just the same as tea—tea is admitted free.

Hon. Sir MACKENZIE BOWELL—Sugar never was free.

Hon. Mr. BOULTON—Raw sugar was.

Hon. Sir MACKENZIE BOWELL—But you do not buy raw sugar.

Hon. Mr. BOULTON—It was raised from 14 to 16 Dutch standard, and when it was raised to 16 Dutch standard we were then able to purchase brown sugar. I may be wrong and the hon. gentleman may be right in it, but I am inclined to think that the imposition of a half cent on the raw helps with the protection more effectually to keep out the German beet root sugar.

Hon. Sir MACKENZIE BOWELL—The old duty was six-tenths of a cent per lb. on all refined sugar and raw was admitted free. A half cent additional has been placed on the refined, and a half cent on the raw so relatively the two kinds of sugar occupy the same position precisely, except as to the loss in the manufacture of the raw sugar, which, as I have already stated, is against the refiner.

Hon. Mr. BOULTON—I accept the hon. gentleman's correction, and assume that he is correct. But there is the protection at all events. The hon. Finance Minister when he restored the revenue to its proper position and provided for the deficit that was staring him in the face put this duty of a half cent on the raw sugar which is going to add $1,600,000 a year to the revenue, If I was going to tackle that question of revenue, I would proceed in an entirely different way. I would have left the Canadian homes alone with their cheap sugar—I would have left the taxation on sugar alone. We have in Canada a grand country for growing fruit. That fruit can be manufactured and transported to the markets of the world if we had sugar as cheap as the people

of England have it under free trade—perfectly free, Canadian refiners competing with German refiners, or refiners elsewhere, the economy of free trade and transportation will counteract the bounty. If the price of sugar is brought down to that basis our farmers can increase the productiveness of their farms and put in their fruits and manufacture jams and jellies of all kinds and conduct a larger trade which is not only a trade in the raw article which the farmers produce, but the manufactured article as well. Half a cent a pound on the raw sugar and half a cent additional on refined sugar will utterly preclude the development of that industry beyond the restricted area of Canada. So far as the 5,000,000 of people in Canada are concerned it will not affect them except that they will get less sugar and will be able to grow less fruit for the production of jams and jellies that would be open to them under different conditions. The excise offers a far better field for the resuscitation of the revenue for the providing of a revenue to carry on the operations of the country, and enable us to come down to a basis of absolutely free trade. Now what is the condition of things to-day? The excise under the last budget is $1.70 a gallon and the duty $2.25 per gallon on spirits. The manufacture and consumption of spirit generally in Canada is 3,000,000 gallons annually. It maintains in round numbers that amount for the last four or five years. There has been very little variation—about 12,000,000 for the last four years has been manufactured in Canada according to the Inland Revenue returns. Under the present excise that would pay $1.70 per gallon. Then in addition to that 3,000,000 gallons manufactured in the country we have 1,000,000 gallons imported and the import of 1,000,000 gallons spirit is protected by a duty of $2.25, so that any other nation that wishes to send in whiskey to this country has to pay a duty of $2.25. The difference between the excise of $1.70 and the protection of $2.25 is 55 cents a gallon—that is, the protection afforded to our distillers in the manufacture of 3,000,000 gallons of spirit produced in Canada. $1,500,000 is the protection that is afforded to them, which protection gives them a profit of $1,500,000, which I say should justly belong to the revenue. How can that be restored to the revenue? By making the excise and the duty exactly the same. The duty is $2.25, and therefore there can be no objection from a smuggling point of view or any other point of view to raise the excise up to $2.25. If you do that then the revenue will get the benefit of $1,500,000 by simply taking off the protection that the distillers enjoy and putting it on the excise. There is just one simple operation by which the revenue might be restored without putting it on the sugar of the country. But that is by no means all. We have then in addition the import of wine—435,000 gallons, on which the duty is $308,000. I have not gone into the protection on that at all. Then the duty on ale and beer is 16 cts a gallon if it is imported in casks and 24c a gallon if imported in bottles. The duty collected on that is so small that the revenue is virtually nothing, so little is imported. Then we come to the question of beer manufactured in Canada. If you treat beer exactly in the same way you produce identically the same results. We consume in Canada 18,000,000 gallons of beer made in the country. That is protected by 16 cts. a gallon. There is an excise on malt, which enters into the manufacture of beer of 1½ cts. a pound and there are about 4 lbs. of malt to a gallon of beer. Therefore the excise that beer pays is about 6 cts. a gallon. The protection is 16 cts. a gallon and the difference between the import duty and the excise is 10 cts. per gallon. Therefore the 18,000,000 gallons of beer produced in Canada is protected by 10 cts. a gallon. If that 10 cts. were turned into excise, instead of having a cent and a half on malt by putting 4 cts. on malt you will resuscitate the revenue by $1,000,000 by that simple process.

Hon. Mr. MACINNES (Burlington)—Then we would be taxed all the same.

Hon. Mr. BOULTON—We are taxed on the 18,000,000 gallons of beer, but it does not go into the revenue. That is what I complain of. All we get out of beer, by excise, at the present time is $1,000,000. The sale of beer is protected in the country by a protection of 16 cents. The brewers can, amongst themselves, arrange an increase of price of their beer, so that they get this full benefit of the 16 cents. Bring the distilleries and breweries under the keen competition that we, as farmers, have to pursue our industries upon, and without putting it up to 16 cents a gallon, by putting it only

about 11 cents a gallon and transferring the protective tax to excise, you immediately add another million dollars. The distillers and brewers need not fear the competition they will be subjected to, they have raw materials cheaper than their competitors. Scotch and Irish spirits which enter into competition at present are largely made from corn transported across the Atlantic and the manufactured article transported back again. Canadian barley is available to our brewers and maltsters for 50 or 60cts.

Hon. Mr. ALMON—What will you do with this revenue when the Scott Act is passed in every county of this Dominion? What becomes of your revenue?

Hon. Mr. BOULTON—The hon. gentleman will understand that I am not arguing the question on any position that may hereafter be assumed. I am arguing on the question as it exists to-day. I am not arguing on behalf of prohibition. I do not want it to be understood that I am—I do not think that prohibition would be a good thing for the country. There is one broad principle on which I put those views forward—I do not think it is right to make that a crime by legislation which is not a crime without. To that extent I am not in accord with the prohibitionists. On that broad principle I am opposed to prohibition but I am also opposed to the building up of a great influence such as our liquor interests and protecting them to the enormous extent that they are being protected to-day, giving them an influence in the country that may be exercised in an injurious manner to the physical well-being of the country as a whole. It only costs 25 cents to make a gallon of whiskey. That 25 cents is protected by 55 cents. There is a protection of from 200 per cent to 300 per cent afforded to the distillers, and 100 per cent to 150 per cent protection afforded to the brewers. Hon. gentlemen will recognize that in the consumption of that there is a great deal of money turned over. That money should go into legitimate channels—into the revenue of the country instead of being given as a private profit to the individuals who are promoting those industries by special legislation. I have mentioned only two or three industries among the many that I propose to deal with in the same way, not for the purpose of destroying those industries or diminishing the capital or industry of Canada but for the purpose of developing our resources, increasing our wealth and adding to the volume of our export trade—cheapening everything and adding to the comforts of the people in a ratio far beyond what anybody in this House can appreciate now. It may be accepted as a fact that if you release labour and industry from taxation imposed by special legislation, you create capital. Tax it and you destroy capital—capital is the production of labour, wealth is the distribution of its profit. What I wish to establish further, hon. gentlemen, is that with regard to tobacco exactly the same thing occurs. Tobacco is charged with an excise of 25 cents per pound and it is protected by a duty of 35 cents specific and 12½ per cent ad valorem Raw tobacco is admitted free, but its manufacture is protected by 35 cents specific and 12½ cents ad valorem, in all about 40 cents per pound. If protection were removed and the excise made 50 cents the revenue would be increased by 25 cents per pound, or on the present consumption of 10,000,000 pounds $2,500,000 cigars are protected by a specific duty of $2 per pound and 25 per cent ad valorem, and in 1893-94 cigars yielded a revenue from excise of $700,000, What I say is, tobacco will bear a tax of 50 cents per pound. That would be 10 cents per pound more than the present tax.

Hon. Mr. McCALLUM—That would not be free trade.

Hon. Mr. BOULTON—Yes; free trade means throwing the labour and industry of the country open to that competition which would enable it to produce so cheaply that it may extend its operations and not be restricted to a small area and thereby secure permanent employment. It is perfectly clear that those who buy their coal oil for 9 cents a gallon have more to spend on other necessaries than those who have to pay 30 cents for it; this creates a demand for employment to provide them. Free trade is the foundation of that healthy competition. I am now showing that by a change in the mode of levying duties and excise on tobacco, spirits, beer and wine from which we derive a revenue now of $11,000,000, we would be raising $18,475,497 on present consumption.

Hon. Mr. KAULBACH—The hon. gentleman says that he would allow tobacco to

come in free and raise the excise duty on the manufactured article. Does he mean that he would allow tobacco to come in free in its manufactured as well as in its raw state?

Hon. Mr. BOULTON—I mean of course that the 10,000,000 pounds of tobacco would come in free as it comes to-day. It is subject to an excise upon manufacture of 25 cents per pound. What I say is let the raw tobacco come in free but subject it to an excise of 50 cents a pound and remove protection.

Hon. Mr. MACDONALD (B.C.)—Where will the benefit be then to the consumer if he pays 50 cents excise?

Hon. Mr. BOULTON—You understand that tobacco and spirits are legitimate objects of taxation, they are not absolutely necessaries. While it is not wise to tax flour, rice or coal oil or those things necessary for the comforts of our families generally, spirit and tobacco do not enter into the necessaries of life.

Hon. Mr. MACDONALD (B.C.)—What benefit will it be to the consumer if he pays as much as the other?

Hon. Mr. BOULTON—You are paying to-day the price of whiskey at $2.25 a gallon You are not going to increase the price of these articles by the system which I propose except tobacco which will be increased 10 cents. The consumer would only be worse off to the extent of 10 cents on tobacco, and I advocate raising the excise on spirits by 25 cents. Now in England the duty on tobacco is 75 cents, and the people of England c nsume per capita less tobacco than we do in Canada.

Hon. Mr. CLEMOW—They have free trade and cannot afford to buy it.

Hon. Mr. BOULTON—It is a very curious thing that if you ever want any money you go to that free trade country to get it. Tobacco is made dearer by the revenue and the revenue gets all there is in the tax. The consumption of this article is always increased by the increase of prosperity of the people, and the consumption is affected in the diverse ratio by the increase in the cost of purchase. Now the British Isles derive a revenue from excise and from liquors and tobacco at $5.50 per head. Canada only derives a revenue of $1.60 per head from the same sources. The hon. Finance Minister told us in his budget speech the other day that the people of Canada consumed three-quarters of a gallon a head, I think that is very little below what the people of Great Britain consume in the way of spirits. Now, while the people of Great Britain are consuming liquor to the same extent as the people of Canada, consuming less tobacco, but more beer, they are raising a per capita revenue of $5.50 by the free trade policy they persue in the regulation of that free trade and tarffic as against Canada, raising $1.60 per head consuming more tobacco and the same spirits, and only a difference in the amount of beer. So if we want to raise a revenue, and do justice to the people of the country, and to the trade of the country, we cannot do that justice by giving a rebate on exports, and putting foreign nations in a better position to compete with us.

Hon. Mr. McCALLUM—We put ourselves in a better position.

Hon. Mr. BOULTON—Putting foreign nations in a better position to compete with us in the markets of the world where we have to sell our products in competition with theirs. Isn't it a better policy to put the regulation of this traffic upon the basis that I am laying down that will give us a revenue of $3.50 per head upon present consumption, where to-day we are only deriving a revenue of $1.60 per head. That is one mode in which I would raise the revenue by pursuing that policy and taking that position by increasing taxation on tobacco only 10c. and by increasing the excise on spirits 25c.—you will increase your revenue $7,500,000 to-day. Is not that a source of revenue to the people of Canada?

Hon. Mr. McINNES (B. C.)—Why not tax tea?

Hon. Mr. BOULTON—That is another question altogether. You can tax anything you please. At the present moment we are taxing rice and clothing and everything that comes into the country. We are raising nineteen millions of taxation on seventy-one millions of imports which come into the country and thereby create a hidden tax.

Hon. Mr. DEVER—By simply making the revenue on tobacco through the customs the same rate as the excise, you would raise two million dollars, because then the whole duty of 25 cents a pound would be paid upon the tobacco coming into the country, whereas now we are giving the difference between 25 and 35.

Hon. Mr. BOULTON—That is just exactly what I have been arguing.

Hon. Mr. DEVER—If you would put it on that basis the House would understand it.

Hon. Mr. BOULTON—My hon. friend will have an opportunity of replying to the position I have taken, and I shall be glad of his assistance in making it clearer. I am merely pointing out to this honourable House that in the question of levying our duties upon spirits and tobaccos, while in Great Britain the revenue derived from this source is $5.50 per head it is only $1.60 per head here, and by adopting the duty and excise that I have presented to this hon. House, that we would increase our revenue from $1.60 per head from these sources to $3.50 per head and it is a more legitimate object of taxation than the taxation of the necessaries of life, than the taxation of all that enters into the cheapness of production in pursuing our industries and in this way we bring down the price of sugar again to 30 pounds to the dollar. The customs revenue as I have said before is derived from the taxation on seventy-one million dollars on imports. That is the value we imported in 1894. The duty was nineteen million dollars on that seventy-one million dollars according to the last reports of 1894. Of that nineteen million dollars there is three million dollars collected on spirits, etc., included in what I have been arguing and therefore that brings us down to the discussion of how sixteen million dollars is to be provided to maintain our present revenue of thirty-six million. The revenue is derived from three sources. One is public works, and the post office, &c., eight million dollars, another is the excise, eight million dollars and the other is duties. Now we have to deal with nineteen million dollars in duties. Three million dollars of that is already dealt with in the excise; and therefore we have simply to consider how we can raise sixteen million dollars for the treasury in order to enable us to initiate the policy of free trade and so open the markets of Canada to the competition of the world, in order to induce a growth of our industries and allow it to be expanded beyond the narrow confines of the consumption of five million people, that we can get out to the market where there are five or six hundred millions of people ready to be supplied with articles we can produce or manufacture.

The next question of revenue that we have to deal with is the post office. There is $5,517,000 expended in the post office department and the receipts are $2,809,000 leaving a deficit in operating our post office of $708,000. Now these receipts are derived from a postal revenue of three cents and of course under free trade the business of our post office will be extended enormously in consequence of the correspondence that will be carried on with foreign nations and the rapid growth of business generally in the country. There is no doubt about that. The revenue of Great Britain in the post office department is fifty million a year. People will say "Oh well, Great Britain is a wealthy country; it is conducting great operations." I have shown you to-day that while we thought it was the prosperity of England and the consumptive power of England in raising $5.50 a head in the excise it is simply the difference of paying the excise into the treasury of the country instead of giving it to private profit. So it is with the post office. The post office will be increased so that the deficit will be changed to a surplus of five hundred thousand dollars. The per capita return of the post office in the United Kingdom is $1.10 at two cents postage. The per capita revenue in Canada is 55c. at three cents postage. I have not the slightest doubt that the five years after the adoption of the policy of free trade you will wipe out that deficit of $707,000 and replace it with a surplus of $500,000. Of course that is simply supposition, but at the same time we are not arguing upon any theory such as preceded the adoption of free trade in Great Britain. We are arguing with the solid experience of the mother country which has for fifty years enjoyed the principles of free trade, and it stands to-day pre-eminent in the countries of the world in its commercial supremacy, in the power of its revenue and the comfort and prosperity of the people.

Hon. Mr. MACDONALD (B.C.)—What is the duty on spirit?

Hon. Mr. BOULTON—It is ten and sixpence a gallon, $2.62\frac{1}{2}$.

Hon. Mr. MACDONALD (B.C.)–But the percentage?

Hon. Mr. BOULTON—The duty is less than the excise.

Hon. Mr. MACDONALD (B.C.)—It is 225 per cent.

Hon. Mr. BOULTON—The excise on spirits is ten and sixpence and the duty is a trifle less; but I would like to point out to hon. gentlemen that the revenue of Great Britain to-day is one of the few revenues that has stood the last few years of depression. It has raised and raised until now it has turned the corner of £100,000,000, there is no stand and deliver position, which is the policy of protection. It is a voluntary contribution by the people. The only taxation there is upon the necessaries of life in Great Britain amounts to $12\frac{1}{2}$c. per head.

Hon. Mr. ALMON—Income tax.

Hon. Mr. BOULTON—No; I am now speaking of the taxation on the necessaries of life. An income tax is a forced tax. The taxation on the necessaries of life is a forced tax also. If a man has an income of $750 a year he is not taxed, but the income tax is on the wealth of the country. I am now speaking about the question of duties and the revenues derived from the necessaries of life under our system if we want to buy a machine, a gallon of coal oil, a pound of rice or anything at all it is taxed or protected. A barrel of flour is taxed 75 cents. Everything else is protected and the duties collected on $71,000,000 is a stand and deliver imposition on the necessaries of life to the extent of $16,000,000. I do not think any hon. gentleman can combat that position.

Hon. Mr. FERGUSON (P.E.I.)—What about tea?

Hon. Mr. BOULTON—That is one of the necessaries of life. We import $38,000,000 of free goods in which tea and raw material is included. The $71,000,000 are the dutiable goods, upon which there is a revenue derived of $19,000,000, and $3,000,000 of that is on spirits and tobacco, and the rest is the necessaries of life. The people of Great Britain are only taxed on the necessaries of life $12\frac{1}{2}$ cents per head, which is mainly composed of a tax on tea, and taxation on the necessaries of life to the people of Canada is $3.20 per head. In England the tax on the necessaries of life, which is almost entirely composed of tea, is $12\frac{1}{2}$ cents per head. In Canada there is $3.20 per head imposed on the duties levied on the $71,000,000 of imports, and therefore we have to compare that with Great Britain, and recollect, hon. gentlemen, there is no hidden tax, no protection, no tax for rebates on export. Then there is the revenue which is derived from the prosperity of the people through the post office. That is £10,000,000 a year. There are £20,000,000 a year from customs, mainly spirits, £26,000,000 from excise, and £15,000,000 from stamps, &c.; but we have not got a great navy to keep up, or an army, or ambassadors and consuls all over the world, and it is not necessary for us to put anything on income. I am going to show you how, without putting anything on any one of those things, that we can entirely remove taxation from the country and still maintain the $16,000,000 of revenue which is now imposed on the necessaries of life; but the question I was just pointing out was that while there are people who say—and it is argued that the prosperity of the United Kingdom is not what the people imagine it to be—I say, hon. gentlemen, you have got to go to the public returns and see that that is not the case, that we find that the English people are maintaining a revenue by a very large portion, one-half of which is contributed by voluntary taxation. That is, out of their prosperity they pour into the coffers of the country more than one-half of their revenue; and then take the British Board of Trade Returns—what do they show? They show that $2,000,000,000 is the value of the imports and that the exports from Great Britain amount to $1,080,000,000.

Hon. Mr. McCALLUM—That covers Great Britain and Ireland.

Hon. Mr. BOULTON—Yes, of course, but the value of the imports is £408,000,000, and the value of the exports £216,000,000. You will see the peculiar anomaly that the imports are almost double the exports. Their prosperity is so great that they are enabled

to purchase that much more in the way of imports than their exports because hon. gentlemen will understand that in conducting affairs between nations there is no such thing as money changing hands. It is purely a trade relation.

Hon. Mr. MacINNES—Where does the wealth come from ?

Hon. Mr. BOULTON—It comes from the product of labour. Another argument that is used is that the people of Great Britain are importing enormously foreign and colonial goods. That is a mistake. They imported last year £68,000,000 out of £408,000,000 worth of manufactured and partially manufactured goods from abroad, but they exported at the same time of those very same goods £57,000,000 worth, so that they were merely the medium of transferring the foreign and colonial goods from one part of the world to the other through their channels of trade, and the argument that is used that they are being undersold is a mistake, because a nation that can maintain successfully year after year a continual growth, no falling back, an import and export trade of that kind with a revenue of £100,000,000 a year, I say, hon. gentlemen, that we are making a mistake when we imagine for one moment that there is that want of prosperity in Great Britain ; but that it is exactly the reverse under their free trade policy. Naturally they are affected by any depression in trade in other countries, but they are affected much less than other countries in consequence of a healthy competition constantly bringing the best elements to the top. I would like to cite an individual instance taking the farming community as an example. I have in my mind two farms, one in Canada and one in Scotland, to show the difference that exists as far as farming is concerned. My hon. friend on my right has a fine farm up in the Niagara district. I was talking to him about his farm, and how many men he employed. He said : "I employ six men the year around ; I give them $200 a year wages, a house and garden and certain other little comforts. I have 800 acres of land and last year I farmed the whole of the land and I did not do more than just make both ends meet." Now I have got another farm I am intimately acquainted with, and I am stating facts. That is in Scotland, and it is a farm of 600 acres, and the farmer employs five men the year round in addition to the other labour. I did not state all the labour my hon. friend employed, but those are the permanent employees. My hon. friend employs six men on the 800 acres, and the Scotch farmer employed five hands permanently.

Hon. Mr. McCALLUM—What were the wages ?

Hon. Mr. BOULTON—$250 a year, a house and garden, and cow, and an allowance of oatmeal, and no lost time for sickness. Those are the conditions on which that farm was worked. My hon. friend is running a magnificent farm in a good district, paying wages of $200 a year, and only able to make both ends meet. On his farm there are only two parties—the owner and the labourer. In Scotland the tenant was paying £700 a year rent, £700 a year for manures, and £700 for oil-cake for feeding. Now, that was the way that that farmer in Scotland carried on his business, and leaving the question of manure, etc., out of it, he had been paying a revenue of £700 a year to the owner of that farm.

Hon. Mr. KAULBACH—How far was he from the market ?

Hon. Mr. BOULTON—Ten miles from Edinburgh, and my hon. friend is ten miles from one of our large centres.

Hon. Mr. KAULBACH—By water or by land ?

Hon. Mr. BOULTON—And the farms within four or five miles of Edinburgh rent from £4 to £5 an acre, and there are perpetual applications for them. This farmer in Scotland was getting his paraffine oil at 9 cents a gallon, and 14 pounds of dairy salt for twopence. Those were the prices he was paying for the articles that entered into the necessaries of his consumption in conducting his operations. My hon. friend will tell you he was paying for his coal oil 25c.

Hon. Mr. McCALLUM—I do not burn any coal-oil. I burn natural gas ; it is cheaper.

Hon. Mr. BOULTON—Some of them have to pay 25c. to 30c. for coal oil, where

the farmer in Scotland only paid 9c. This oil is made from the shale in Scotland, and the American oil has to meet that competition in Great Britain when it gets there; and the American oil is retailed in composition with that oil at 9c. a gallon, and where it is retailed in Canada it is sold at 25c. to 30c. a gallon. That is the condition of the two farms. I can vouch for the truth and accuracy of these two cases, as far as I received them from my hon. friend and my friend at home.

Hon. Mr. McCALLUM—You forgot the cow.

Hon. Mr. BOULTON—Yes, I forgot the cow that my hon. friend allows each labourer, but I am near enough at any rate. Then there was another friend of mine up in the North-west that came out and got married, and she had three acres of land in Devonshire, and she was getting £10 a year rent for it for some years, and on coming out to Canada she gave instructions to sell, and it was sold and realized £65—$375.00—an acre. It is five miles away from any town, and just used as a field for pasture and hay and meadow land, it was sold for £65 an acre. Another friend of mine sold eight acres the other day for £200. Now these are just two or three instances that have come under my own personal observation to show you what the price of land is there, and how far the conditions are favourable. I do not say I am stating the condition of things all over, that where there has been a failure in consequence of the reduction in the price of wheat. But are not our prices depressed? Do not we sell at so much less when we export to England? Is not the English farmer so much better of by the cost of taking that wheat or those cattle from here to England? I am stating this to show that it is perfectly correct that, though there are individual hardships, the condition of England is one of prosperity, and that is indicated through the returns. I would like to complete this question of revenue, and by taking the railways I wish to show that the public works produced a revenue of $3,067,549.

Hon. Mr. McCALLUM—I do not see how the country gets poor by it, because if you did not give the drawback it would be manufactured in some other country. Do all the employees stand idle after they get through with this work of manufacturing for five millions in Canada and supplying outside parties? I do not understand the hon. gentleman's reference to the drawback. On a former occasion the hon. member spoke of the Massey Manufacturing Company. I am satisfied he does not want to advertise their wares, but he says the drawback given by this government on the duty on what is exported from this country, is in favour of the foreigner, and not in favour of the people of this country to enable the manufacturer to manufacture here and to export, but the people do not lose a dollar by it, and they keep the people employed enabling them to purchase the necessaries of life, because they get the benefit of the manufacturing industry in the country.

Hon. Mr. BOULTON—What has brought me to argue this question is the fact that we are brought face to face after 17 years of protection, with a deficit of $5,000,000 a year in our revenue, and that that revenue is not likely to be made up, but that that deficit is likely to continue, because we are thrown back now entirely on our own resources. We have not been constructing any public works for a year or two. We have not been importing anything. Recollect when we borrow money abroad these imports come into the country, and the duty is collected on them, and in that way a revenue is obtained. Of course, while we are doing that our debt is increased, but the revenue keeps up. The Finance Minister has announced a policy of economy and cessation of expenditure, but that will operate against our ability to purchase. It will aggravate the difficulty that we labour under with the five million deficit. I wish to see that the revenues of the country shall be resuscitated, and shall not go down hill in the way that appearances indicate they are likely to go under present conditions. Free trade will increase our purchasing power and develop trade and industry. I should like to ask the hon. leader of the government if he would tell me how long the mills of Canada were out of work during the year 1894 and how many men have been forced out of employment in the industries of the country? If he were to ask for a return from the public corporations he could ascertain. I know the woollen mills in Cobourg were shut down for some

time and I know the car works there are now shut down and the skilled labour idle. Every time a mill is closed and the men are thrown out of employment the purchasing power of the people who were employed is stopped, and in that way a deficit takes place. It is with a knowledge of that fact that I have brought this question before this honourable House, and for the purpose of showing how, by the adoption of a different policy, we can obtain a revenue. I have been arguing this policy on the present consumption of dutiable goods, but if free trade were adopted and were followed by anything like the prosperity which ensued upon the adoption of free trade in Great Britain the population would increase and the revenues from the post offices, the railways, the canals and every other source depending on the trade and commerce of the country would increase. Last year the expenditure upon our government railways was $3,670,000, while the receipts were only $3,180,000, leaving a deficit of $480,000 a year. After expending $50,000,000 on the promotion of our public railways, they do not pay their way but show a deficit of $580,000 a year. I do not believe for a moment that that is at all due to a want of trade and commerce, but it is due entirely to the management of the road so far as the rate charged is concerned. As I said the other day in this House, we, in the North-west, are paying $1.50 a train mile, while in Ontario, the Grand Trunk railway is paying $1.03 a train mile, while the government railways earned only 69c. per train mile. There is not one dollar earned for dividends and in fact there is a deficit. All that is required to resuscitate that is to establish the freight rates on an equitable basis and increase the volume of traffic by opening the doors to the trade of the world. It cannot be fair to say that in the west we who maintain the Canadian Pacific Railway shall be obliged to pay $1.50 per train mile.

Hon. Mr. MACINNES (Burlington)—Where did you get that? The last annual report of the Canadian Pacific Railway Company show that their earnings per train mile amounted to less than that, only $1.33 ?

Hon. Mr. BOULTON—I got it out of the trade returns for last year. I am quoting last year's report. If the hon. gentleman will turn up last year's report he will see that the earnings of the Canadian Pacific Railway were $1.50 per train mile. I want the government railways to be so managed that they will meet expenditure. The railways of India and Australia are government railways and pay 3 per cent on cost. The Canadian Pacific Railway pays 3 per cent on its mileage of 6,000 miles at a cost of $50,000 a mile; the Grand Trunk pays 3 per cent on its mileage of 3,000 miles at a cost of $53,000 per mile. The Government railways of 1,100 miles should at least be made to pay their way. I saw the statement made by the Minister of Railways in the House of Commons the other day that he had given instructions that the roads should be maintained with the utmost efficiency, but that revenue and expenditure should meet, and when they had met it should stand at that—that no attempt should be made to earn a profit on the road. That is the statement of the Minister of Railways. While he succeeded in equalizing expenditure and revenue on the Intercolonial Railway, on the whole of our public railways, that has not yet been done. I say it can be done, and that it will be unjust to the rest of the people of Canada if it is not done. I say there should not be a deficit of $580,000 a year on railroads which have cost $50,000,000—$50,000,000 paid by the people of Canada who have their own burdens of transportation to maintain in addition to maintaining their share of the interest on this $50,000,000. The road should be managed, and can be managed not only to cover that deficit, but to supply a dividend at least of 1 per cent on the capital invested. If that was done it would alter the position and add to the revenue $1,000,000 and that through an increase in the volume of traffic under the stimulus of free trade. Then take our Dominion lands, a revenue can be obtained from them greater than is obtained to-day. There is a duty collected on silks amounting to $750,000 a year. Silk is an article of luxury and could very properly be left as it is. Dried fruits and nuts bring in a revenue of $512,000, and coffee $105,000. There is a revenue of $4,000,000 from those sources. That added to the $7,725,000 by equalizing the duties on spirits, etc., and excise is $11,635,000, altogether provided out of the $16,000,000 that I said we would have to provide to raise a revenue such as

was raised in 1894. Then the difference between the $11,635,000 and $16,000,000 there is $4,459,000 to be made up. A duty of 5 per cent on the gross imports of $113,000,000 would produce $5,650,000 which could be maintained until by increase of trade and population it could be abolished, that 5 per cent could be reached by a gradual reduction of the present average rate of 20 per cent on our imports, at the rate of one-fourth each year till 5 per cent was reached.

I desire to give these figures, because the addition of these figures gives us $17,000,000, or about $1,000,000 more than we require and without imposing one single solitary penny of taxation on the necessaries of life, nothing on tea, nothing on sugar. That takes the taxation off the necessaries of life. The reason Great Britain puts 8 per cent on tea is because it gives no manufacturer any undue advantage over those who are subject to the competition of trade. The moment you put a duty on sugar you immediately tax the power and ability of our farmers to produce fruit and our canneries to produce jams, you give the refiner an undue advantage.

Hon. Mr. KAULBACH—My hon. friend from Halifax was pleased to listen to the remarks of the hon. member from Marquette, but feared that the consequence would be the infliction of a speech from myself. Out of deference to my hon. friend, I am not going to deliver a speech. I will disappoint him on this occasion. The hon. gentleman from Marquette is a very free and fluent speaker and hesitates not in the free expression of his views, but I cannot follow him. He is full of theory and seems to be reasonable, but when he come down to a practical demonstration it amounts to nothing. I should like to see my hon. friend discuss simply the question he puts before us—the granting of drawbacks on exports. My hon. friend is a free trader out and out, and does not believe in the vocilating policy of the opposition. Well, what is the granting of drawbacks? Simply free trade in the raw or unmanufactured article imported, to which is to be added skill and labour, and then it is exported. It is giving back to the manufacturer the duty that he has paid upon the importation of certain articles. The country gets the benefit of the labour on that particular article that has been manufactured, but it does not go into consumption in Canada and the duty is refunded. My hon. friend would have sugar admitted free to enable the farmer to make jams and jellies. We want iron when imported to be used in agricultural implements for export, admitted free to put the labour of the country upon it. It is a free trade principle, nothing more, nothing less—simply getting the benefit of the industry in the country upon an article and giving back to the manufacturer the duty he has paid on the importation of the raw material. It is based on the principle of free trade on raw materials—that is the whole principle of drawbacks. My hon. friend has been rather joked by somebody who drew a comparison between his place in the North-west Territories and a farm in Scotland, situated a quarter of an hour from Edinburgh. The Scotch farm is only ten miles from the city of Edinburgh where the country is laid out, I suppose, in small market gardens. Such a comparison is absurd. The hon. gentleman is drawing too largely on the credulity of this House.

Hon. Mr. BOULTON—The farm I am speaking of is devoted purely to the feeding of cattle and sheep, and there is not a single market garden on it.

Hon. Mr. KAULBACH—I would rather see that farm than believe what I was told by some one else. I know from personal observation that what he says is not the case in England. The iron industry in England is not protected. The pig iron industry has not been protected in England for 25 years, and it has not increased in the same ratio as the population. We do not go to England for our rails or pig iron, we go to the United States. The iron industry of England has gone down steadily—so the president of a large association in England says. In the United States in the same period it has increased 435 per cent, in Germany it has increased 249 per cent, in Russia it has increased 162 per cent, while in England, under free trade, it has increased only 23 per cent in the last 25 years. My hon. friend wants us to follow the example of England. How does England derive the bulk of its revenue? By direct compulsory taxing of the people, but we are in a different condition altogether

in this new country. My hon. friend would take the duty off tobacco, and extract the revenue directly from the people of this country. He would actually tax the industries of the country and allow foreign manufactures to come in free. It is impossible to raise a revenue that way. I like to listen to my hon. friend from Marquette, but there is something visionary about him with regard to this hobby of his. When he proposes that we should tax the labour and industry of this country, and that foreign products come in free, he proposes a policy by which we would soon all be paupers. We would be like poor old Ireland after England adopted free trade.

Hon. Mr. POWER—I do not propose to say much on this subject. I wish to say a word or two on the question of procedure. Hon. gentlemen of the Conservative persuasion feel that the hon. member from Shell River has travelled beyond the record in the very instructive and interesting speech to which we have listened. I was very much reminded, when listening to these comments on his speech, of a time when gentlemen who were then the pillars of the Conservative party delivered speeches, just as long but not as able as that of the hon. gentleman from Shell River, upon notices which gave less indication of what the speeches were to be about than the notice of the hon. gentleman, and if my recollection is not at fault, the hon. gentleman from Lunenburg heartily endorsed and applauded the action of those gentlemen, who were then leaders of the Conservative party. The Prime Minister felt that I was, perhaps, assuming an improper attitude in indicating that there was some objection to making speeches which were not confined to the question before the House, but it is the right of every member of the Senate to try and see that that order is observed. I did not wish to interfere with the speech made by the hon. gentleman from Shell River, but I had hoped that we would have, on the resolution of which he had given notice, an interesting discussion in which other members of the House could have taken part, but the hon. gentleman himself must see that it is now hardly possible that the discussion can be continued now with the other orders on the paper unless we have a night session. Everything that the hon. gentleman said, or nearly everything, was perfectly true, and if he had only by his notice indicated that he was going to deal with so broad a subject, we might have been prepared to deal with it, and made up our minds to a long debate. I do not propose to discuss the question, but I quite concur in what the hon. gentleman said with respect to drawbacks on goods imported in this country and then manufactured and exported. The hon. gentleman was perfectly right as to the unfairness of the practice. The illustration which he took was a proper one, and all the more appropriate because it is understood that this drawback system was adopted largely in consequence of the attitude assumed by the Massey-Harris Manufacturing Co. As the law stands now, the Massey-Harris Co. have a rebate on the imported articles used in the manufacture of agricultural implements which they export to Russia, Australia and, I understand, to the United States also. When the hon. gentleman said they exported to Russia, I do not think he brought the enormity of the position home to the average Canadian as much as if he had said that they export agricultural machinery to the United States. It just means this: that the Canadian farmers in Ontario or in Manitoba have to pay a higher price for the Massey agricultural implements than the farmers in Dakota or Michigan. The hon. gentleman was perfectly correct in the statement that he made, but we realize it more vividly when we bring it home that way. The government are fond of speaking of themselves as the farmer's friends. This is the way they show their friendship for the Canadian farmer. They benefit the Canadian manufacturer at the expense of the Canadian farmer. The revenue which the country loses by this drawback has to be made up largely by the Canadian farmer. If the drawback was not taken out of the revenue the revenue would be larger than it actually is, and the proportion of the burdens borne by the farmer would be smaller.

Hon. Mr. KAULBACH—But if it never went into the revenue?

Hon. Mr. POWER—If there is a sum of $1,000 paid into the revenue, $990 of it is paid back to the manufacturer as drawback. The country has to make up the revenue in some way, and the burden which is taken off the shoulders of the manufacturer must ultimately be borne by somebody, and

the majority of the people have to ultimately bear their portion of the burden that is taken off the shoulders of the manufacturers. These same gentlemen who are now benefitting the Australian, the Russian and the United States farmers and putting them in a better position to compete with our farmers are only logically following the principle which they adopted when they reduced the duty on Australian mutton and other products and then offered subsidies to steamers to carry Australian farm produce into this country to compete with the products of our own farms.

Hon. Sir MACKENZIE BOWELL—You have been reading the *Globe*.

Hon. Mr. POWER—I do not read the *Globe*. I suppose it is a confession I should not make; but all the newspaper reading which I indulge in I get in other journals. Ideas may occur to one without going to the *Globe* for them. I do not read the *Mail and Empire* either, and do not get any ideas from that paper. This drawback system is simply logically pursuing the policy adopted by the government in this particular matter. The drawback is quite consistent with a policy of subsidizing steamers to bring Australian goods here to compete with our own produce. If foreign goods come in to compete with our own manufactures, the government are protectionists and try to take care of our own manufacturers. When foreign farm produce comes in they are free traders. I presume when the time for raising election funds comes round the government will expect more from the manufacturers.

Hon. Mr. MACINNES (Burlington)—I would not have said anything on this matter if the hon. member from Halifax had not begun his remarks by saying that every word the hon. gentleman from Marquette uttered was correct.

Hon. Mr. POWER—Nearly every word.

Hon. Mr. MACINNES (Burlington)—He said he was inspired by the senior member for Halifax to put the question of bringing this discussion before the House. I suppose that is a true statement.

Hon. Mr. POWER—No, not at all.

Hon. Mr. MACINNES (Burlington)—I think the senior member from Halifax did show extreme selfishness in not wishing to hear anybody speak except the member from Marquette. He said it was always a pleasure to hear him speak, because he came from a sort of Eutopia where no taxes or duties were imposed, and he goes on expanding in an eloquent manner on the great advantages of that country, but I think it was extremely selfish for the hon. member from Halifax to say that it would not be in order for anybody to speak but the hon. member for Marquette.

Hon. Mr. BOULTON—I wish to correct the impression that the hon. gentleman from Halifax inspired me to make the motion. It was nothing of the kind. I worded it so that I might have full scope.

Hon. Sir MACKENZIE BOWELL—The arguments of my hon. friend from Marquette were well answered by the interpolation of my hon. friend from Monck. Before replying to the remarks of the hon. gentleman from Marquette, I may say I regret the sarcasm indulged in at the expense of the senior member from Halifax for the reason that had I been of as conservative a character as he, I should have insisted on putting a stop to so irrelevant a speech as that of the hon. member from Marquette, it having no relevancy to the motion on the paper. I promise him this, that I will assist him in future in trying to keep members, particularly himself, to the question before the House. I shall only refer to one point mentioned by the hon. gentleman, and I must express my very great surprise at the conclusions at at which he appears to have arrived from the facts as they exist both in law and in practice. He tells us that if we pay a $1 of drawback upon an article which is being manufactured from imported material, that that is a depletion of the revenue to the extent of that dollar, and therefore it has to be taken out of the pockets of the farmer. Does not the hon. gentleman know that if the 50 machines to which my hon. friend referred as being now exported to Russia had never have been built in the country, the duty paid upon the material which went into their construction would never have gone into the revenue? If it had never gone into the revenue, only for

the purpose of being refunded when the article manufactured from it was exported could the farmers be injured by taking out that sum which had been placed to the credit of the Receiver General for the purpose indicated? That is the matter I should like the hon. gentleman to solve before he attempts to discuss the question again. Then my hon. friend says it enables the Massey Manufacturing Company to manufacture goods and send them to Australia, and it was argued by my hon. friend opposite that they must sell them cheaper there than they sell them at home. But that is not the gravamen of the charge; the charge is that by getting a Massey machine cheap the Australian is enabled to cultivate his land and reap his wheat and bring the wheat which he has produced into this country cheaper than he otherwise could. If the Massey Company in Toronto manufacture a machine and send it to Australia, and he competes with the United States machine which is made from the same material and which would have been purchased instead of the Canadian machine—how in the world does that enable the Australian to produce his wheat cheaper? I cannot arrive at any such conclusion, and neither can he if he will think over the matter and then speak. The whole system of drawbacks—and I shall not depart from that one point—resolves itself to this point, and this, alone: the drawback is granted because of the cheapness of the material out of which these machines are made, the iron and steel particularly, in a highly protective country like the United States—the result I hesitate not to say of that protection to a very great extent, and the depression in trade at this particular moment, which created not only a glut in the market but lowered the prices to such an extent that even in that country they could produce the article and export it cheaper than we can in Canada. We say to the manufacturer in Canada "you can bring the cheap material, which is your raw material, from the foreign market, you can manufacture and export it, and we will refund to you 99 per cent of the duty which you have paid into the revenue immediately upon the production of a certificate of the export of the article." How does that affect the revenue? Would the Massey Company, after having manufactured a full supply for the 5,000,000 people in Canada to whom you have referred so often, go on manufacturing 150 other machines to send to Russia, or 500 or 1000 machines for Australia, if they could not get their material just as cheap as it is purchased in the United States, from whence they sent the article, and in which country they compete with them? How, I ask again, does that affect the pockets of these poor down-trodden farmers, who are taken under the wing of my hon. friend, or those who support him? I have read these arguments—and I apologize to the hon. gentleman for having accused him of reading them—in the *Globe* over and over again, and I supposed my hon. friend, being a member of that great party, and being an admirer of the organ that has controlled the destinies of that party, was one of its regular readers. It is only another illustration of the old adage that great minds run in the same channel; I won't say small minds, because it seems to me that to reach the conclusion to which my two hon. friends who have discussed the question have come, they could not really understand what they are talking about. I do not mean that offensively. I mean precisely what I say, as far as this particular point of the hon. gentleman's motion is concerned. Adopt the policy of my hon. friend opposite, a humble follower of the ardent free trader behind me, and you deprive the workmen of the city of Toronto of the full benefit of the labour of manufacturing those 150 machines, and the 500 or 600 machines, or the 1,000 machines which are now manufactured for the Australian market. If that is an advantage to the farmer, I should like to know how you arrive at that conclusion. If there are 500 or 600 people who are earning their daily bread from that one establishment alone in the city of Toronto, and if 150 of them have to go elsewhere to seek employment from the fact that they could not carry on the manufacturing industry for export, then you deprive the farmer of 150 families who would have been their customers, and if that is a benefit to the farmer I should like to know where the benefit comes in. There is no objection to bring down all the information in the possession of the government on this question, and I hope when my hon. friend has read the statement and studied it he will come to a sounder conclusion than the one he has given utterance to to-day.

Hon. Mr. O'DONOHOE—I agree with the remarks of the hon. Premier, and I do not agree with the statement made by the hon. member for Halifax, that the drawback injures the farmer. Refunding the duty that was paid on bringing in those materials and enabling the materials to be manufactured in Canada, has been a benefit to Canada and a benefit to her artizans, but I do think that it is an abandonment of the general policy of the government of which my hon. friend is the leader. To that extent it is tantamount to free trade, and is, therefore, an abandonment of the protective policy of the government of the day, and so far I have reason, instead of condemning the transaction, to congratulate the government upon their change of policy. It is an admission that the policy of free trade, to that extent, is sounder than the policy of protection.

Hon. Sir MACKENZIE BOWELL—When the hon. member speaks of the policy of the government he should go back as far as 1869, when Sir Leonard Tilley made his first budget speech and put the first tariff upon the statute book, in which I had some little hand, he will find that just as far as we possibly could we put raw material and what was not produced in this country on the free list. That was our policy.

The motion was agreed to.

## GREAT NORTHERN RAILWAY.

### INQUIRY.

Hon. Mr. BOULTON rose to

Ask the government if the Great Northern Railway of Winnipeg is acting within the law by virtue of the Statutes of 1887, fixing the point of commencement at the city of Winnipeg, thence northerly ?

He said : This is what is popularly known as the Hudson Bay Railway, and I see they are surveying their route, starting from Gladstone, a point about 100 miles west of Winnipeg. I should be sorry to see any complication arise, as it is desirable that the railway company should keep within the law the statutes of 1887, appear to bind the railway down to starting at Winnipeg and going northward. I merely point it out so that there will be no misapprehension as to the law. I may be wrong. The statutes of 1891 bind the company to obtain from the government the approval of the location of the line before commencing operations.

Hon. Mr. KAULBACH—I do not think there is anything which requires them to start at one end. They can start at any point between those terminal points.

Hon. Sir MACKENZIE BOWELL—This is a question, as far as one can understand it, of a legal character, and perhaps the best answer would be that some lawyer should examine the statute and give an opinion. If the hon. gentleman will read the question, he will see that it is quite difficult to answer, because there is no statement in the question as to what the railway is doing. It simply asks whether the Great Northern Railway of Winnipeg is acting within the law by virtue of the statute of 1887 fixing the point of commencement. That is a declaration that the law fixes the place at which the railway shall be commenced. That being a statement of fact, it is not regular to put it upon the order paper as a question, to begin with ; and in the next place, he does not say what the Great Northern Railway is doing.

Hon. Mr. POWER—That is what he wants to know.

Hon. Sir MACKENZIE BOWELL—Then he should have so framed the question. We are told it is commencing somewhere else, and if that be the case, I suppose the hon. gentleman is as capable of judging whether they are within the law, as I possibly can be. The law says that the road must begin at the city of Winnipeg and be extended northerly at a point at Fort Nelson, or Churchill, or some other point on the shore of Hudson Bay. The company have built forty miles, beginning at Winnipeg, from Winnipeg northerly, and no further. These actions appear to be within the law, by virtue of the statute of 1887. What they have been doing since, or whether they are going on with the road at all, I do not know ; neither does the government.

The Senate adjourned at 5.50 p.m.

## THE SENATE.

*Ottawa, Friday, 31st May, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE PUBLIC PRINTING.

RETURN BROUGHT DOWN.

Hon. Sir MACKENZIE BOWELL laid on the table a return to an address of July 11th, 1894, calling for a statement in detail of the expenditure for public printing in 1883, and 1893, respectively. He said: Hon. gentlemen will see that there was some excuse for not laying this return before the House last session. It is not strictly in accord with the wording of the motion which asks for details. It is of a bulky character without the details, but if the House insists upon it, the contents of these two volumes will have to be copied. I do not produce these in order that they may become a record of the Senate, but to show the immense amount of work involved in preparing some of the returns asked for. My hon. friend from Marquette inquired yesterday when the return moved for with reference to the number of bushels of wheat inspected at Fort William would be brought down. I inquired of the Inland Revenue Department and they state that they are endeavouring to get the information, but as the inspection is optional, only a portion is inspected of which they have returns. Any statement beyond that can only be obtained from the owners of the elevators at Fort William, if they choose to give them. The department has written asking for the information, and as soon as it is obtained it will be laid before the House.

Hon. Mr. POWER—Perhaps I may be allowed to say a word with reference to the voluminous report which has been laid on the table to-day. The motion for the return was made by myself. I regret very much that the return should be so voluminous, and I do not wish to have any other details than those contained in the report laid on the table. The resolution asked for a statement in detail of the expenditure for public printing in 1883 and 1893 respectively, and my motion was simply to get the amount which had been paid for each service—not for each item of every service—in order that Parliament might be in a position to judge as to whether or not it was desirable to continue the printing by the government which has been in vogue for the last few years.

## A CORRECTION.

Hon. Mr. BOULTON—I desire to call the attention of the House to a report that appeared in the *Citizen* and the Montreal *Gazette* with regard to a question that I asked yesterday. The *Citizen* says:

> In the Senate yesterday Hon. Mr. Boulton, in moving for a return of rebate to manufacturers of exported goods upon the raw materials therein, denounced the practice.

I wish to correct that, and say that that is not the position I took at all in the remarks which I made in this House. I said that it was manifestly unfair to give the rebate on taxation to the farmers of Russia, Australia and the Argentine Republic, to whom these machines were shipped, while it was denied to the farmers of Canada. In the Montreal *Gazette*, also, there is an incorrect report. It says that I asked if the Great Northern Railway was acting within the law in commencing work at Winnipeg, whereas the question in reality that I asked was whether the Great Northern Railway was acting within the law in not commencing work at Winnipeg—exactly the reverse.

## THE CHUTE DIVORCE CASE.

MOTION.

Hon. Mr. KIRCHHOFFER moved the adoption of the eighth report of the Standing Committee on Divorce in the matter of Julia Ethel Chute's petition.

Hon. Mr. POWER—I should like to have this report read. It is a matter as to which there is some difference of opinion in the House.

The report was read at the table.

Hon. Mr. KAULBACH—I shall not support that finding of the committee, not that I dispute the fact of the petitioner's inability to pay or procure the means to prosecute her appeal before the House. What I object to is to create another precedent for an application of this kind. We have only one now, and we are asked to allow this petitioner to come in here and apply for

a bill of divorce without making the usual deposit to meet the expenses of parliament. The feeling of the Senate has been to restrict, as far as possible, within reasonable bounds, the granting of divorces, and that is one of the chief reasons why we have kept the power to grant divorces in the hands of parliament. It was thought that the creation of a divorce court would be an encouragement to parties to seek divorce. In a civil tribunal, parties who wish to enter a case must be prepared to do so in the regular way. I do not feel very strongly opposed to the present applicant, but I think we should determine now, whether we will establish this precedent or not. We know that there are many solicitors in the country who, (at least some of them) if applications might be made *in forma pauperis*, would encourage people to seek divorce and bring cases of the kind before parliament. Now I should like to discourage that as far as possible. We have all read, in one of Warren's books, of the firm of Quirk, Gammon & Snap, who were always ready to snap up cases. Is it wise for us to repeat a bad precedent and permit persons without means to come here and seek divorce? I simply want the House to decide whether this should be done or not. I think it is a dangerous precedent and contrary to the policy which parliament has hitherto pursued. It would give applicants for divorce here privileges which they would not have before a civil court, and have a tendency to encourage people to separate when they might condone their offences and live happily together. I think the poor should have the same rights as the rich, but as a matter of fact they have not in the civil courts. If they have not money to prosecute their case and employ counsel, they cannot go into the law courts. I do not think it would be right, considering our policy has been to discourage divorce, to give parties advantages to appear here which they would not possess to go before a civil tribunal.

Hon. Mr. CLEMOW—The hon. gentleman has spoken very plainly and properly in this instance. I do not think the practice should be encouraged, but there are peculiar circumstances in this case. This woman and her family, it was shown by affidavit produced before the committee, are utterly unable to deposit this $200 fee and the committee decided that the fee should be remitted. There are precedents for such action, and the committee, after considering the case carefully, thought it was only right and fair that the woman should be allowed to proceed and not give the idea to the public that divorce could only be had by the rich. I see no reasonable objection to the adoption of this report. On one occasion at least the fee was remitted. The committee thought that they should report as they have done. This woman is living in the city of Toronto and earning $5 a week. The members of the family are impoverished, owing to the distress in Toronto, and are unable to help her. All those facts are vouched for by respectable people in Toronto, and have led the committee to report as they have done, to enable this woman to seek her rights without payment of this fee. I do not think that divorce should be encouraged, but I see no reason why this poor woman should not have the advantage given her that has been given to another applicant. I do not wish to have it a general thing that persons could come here and apply in *forma pauperis* unless they could establish their inability to deposit the $200.

Hon. Mr. KAULBACH—I do not deny that the woman is unable to get the money.

Hon. Mr. CLEMOW—The affidavit showed that she was only earning $5 a week and the other members of the family could not assist to the extent of $1. If the House thinks she should be allowed to come, under those circumstances, they will adopt the report.

Hon. Mr. POWER—I would ask the Minister for divorce to be kind enough to give the House the precedents to which he refers. I do not think there has been more than one.

Hon. Mr. CLEMOW—There was one quoted.

Hon. Mr. KAULBACH—Yes, one case.

Hon. Mr. CLEMOW—Mr. Gemmill, the lawyer who appeared, said there were similar cases in England. However, we have only one case here. If the affidavits are true why should not the woman have relief?

Hon. Mr. McINNES (B.C.)—There is a good deal of truth in what has been frequently said about the Senate, that it is only a court for the rich to obtain divorce. In this particular instance there was a precedent established some six or seven years ago. In that case the Divorce Committee followed precisely the same course that we are asked to pursue in this instance.

Hon. Mr. KAULBACH—That is not disputed.

Hon. Mr. McINNES (B.C.)—The committee recommended that the petitioner be relieved from the necessity of depositing the $200, and only the $200. The expense of bringing witnesses here and the counsel fees will be borne by herself or her friends. She is a poor woman and the funds will have to be furnished by her near relatives, so that the government will be at no pecuniary loss whatever other than that of the $200 which is generally required to be paid in to the clerk of the Senate before such cases are proceeded with. I quite agree with the hon. gentleman from Lunenburg that it is undesirable that divorce should be more easily obtained than it is at present. One remark of his amused me and that is this—that if this were made a precedent, the legal profession would connive at getting up cases and bring them before the Senate in order to get the fees, I do not think that the hon. gentleman was serious in casting such a reflection on the profession to which he himself belongs, and which he is a shining light. I rather think the hon. gentleman did not consider the force of his remark.

Hon. Mr. KAULBACH—I fully considered it.

Hon. Mr. McINNES (B.C.)—I know too much of the fraternity to believe that any legal gentleman would go deliberately to work to to get up a case for the sake of the few dollars he would get out of it.

Hon. Mr. MILLER—There is a good deal of force in what has fallen from the hon. gentleman from Lunenburg. We should be cautious indeed in throwing down any of the barriers which the Senate has raised in regard to approaching this tribunal. It is not wise to establish a precedent which might be availed of very generally to allow people to come in here to seek divorce in a free court, as it were, so far as the expenses of parliament are concerned. But the question of precedent should depend on whether the application is right or wrong. If the application is right and based on justice, then whether it establishes a precedent or not should not be considered by this House. We should do what is right under the circumstances in the particular case, regardless of what precedent may be established by our action. If the members of the committee are satisfied that this woman is not in a position to avail herself of the tribunal which the constitution has provided in cases of divorce, and she has a good case to present to them, then I think they were within their limits in recommending that the fee should be remitted. Every case of this kind should be considered upon its merits, and it is to be presumed that a committee so carefully selected as this Divorce Committee, have not made this recommendation to the House without feeling satisfied that they are justified in doing so.

Hon. Mr. POWER—It is the duty of the hon. gentleman who acts as chairman of the committee when making a recommendation of this kind to give the reasons and the authorities on which the recommendation is based. I hope my hon. friend will do so now.

Hon. Mr. KIRCHHOFFER—This committee did not report on this matter without having something before them to be guided by. There are precedents not alone for the $200 not being deposited, but also for the deposit of $200 being refunded at a subsequent date. The first case to which I shall allude is the Campbell divorce case, one which was before this House for a considersiderable period. In 1878 Mrs. Campbell renewed her application to be allowed to prosecute *in forma pauperis*, but was obliged to abandon it owing to the fact that the publication of notice was not sufficient. In 1878, the application having been duly advertised, Mrs. Campbell's petition to be allowed to proceed *in forma pauperis* was granted.

Hon. Mr. KAULBACH—My hon. friend will see in that case Mrs. Campbell was not the petitioner—it was her husband. The husband applied for divorce, and in going

through parliament the bill was changed, and she was made the applicant for divorce herself. All the other cases referred to, or that can be found, have been where the petitioners have failed to obtain divorce, and the unexpended balances in our custody have been returned to the petitioners.

Hon. Mr. KIRCHHOFFER—In 1888, on the petition of Mary Matilda White, it was ordered that the fee of $200 be refunded to her. That is a case in which, even after the action was brought, the money was refunded.

Hon. Mr. KAULBACH—But here no money has been put in.

Hon. Mr. KIRCHHOFFER—In 1889 in the Lawson case the deposit was refunded.

Hon. Mr. POWER—He did not get his bill.

Hon. Mr. KIRCHHOFFER—In 1890, in the case of Mrs. Walker, there was also an order that $200 paid by her should be refunded.

Hon. Mr. POWER—She did not get her divorce.

Hon. Mr. KIRCHHOFFER—But that is not a special reason why the money should be refunded.

Hon. Mr. KAULBACH—In those cases it was only the balance that was not used up in the publication of the bill and petition, and one thing and another that was refunded. It is only the balance remaining; and the bill was not granted in any of those cases.

Hon. Mr. KIRCHHOFFER—There was another case which I cannot lay my hands on, where the party was allowed to appear *in forma pauperis*, and in England, although the idea was that it was a rich man's court, and not a poor man's court, they held that the poor man should not be debarred from asking for a divorce.

Hon. Mr. READ—I think this would be an extremely dangerous precedent, and I voted against it as one of the committee. I think the hon. gentleman has not stated the Campbell case as it occurred. Campbell asked for a divorce against his wife, and he did not get it, and she asked for alimony against him, and she got it in parliament, and it was contested in the courts, and the law was sustained, and Campbell's property was held for alimony. It is quite a different case from the one which the hon. gentleman puts.

Hon. Mr. BELLEROSE—We do not generally take part in discussions on these matters, but I am astonished at what has taken place to-day. Seven or eight years ago I heard more than a majority of this House state that though believing in divorces and voting for them, it was a thing that was not to be favoured. It is argued in this case, that the petitioner is a poor individual, and we should come to her rescue. If you do that, you are doing all that is possible to favour divorce. Is divorce a thing in the interests of the public at large? No; certainly not. Why, then, spend public money for this purpose? Is it right? I say it is not. The House is taking upon itself to do a thing which, as is admitted by the great majority of this House, ought to be resisted. We would be acting the other way if we used public money to help those parties out of a difficulty, and the public would receive no benefit from it. I hope this report will not be adopted without taking a vote upon it.

Hon. Mr. O'DONOHOE—I think the precedent proposed is a bad one and in opposition to the policy of the House, because if you allow this practice to prevail it will be an inducement to bring such cases here. It is stated that the poverty of the applicant is affirmed upon affidavit evidence. That is poor evidence on which to rely. There is no question of it that in courts elsewhere *ex parte* affidavit evidence is not relied upon, and unless very direct evidence is adduced this application should not prevail. I am not at all satisfied with a case of this sort sustained merely upon affidavit evidence and that is all that is referred to. If this case is allowed to pass and the application be granted, there is no reason in the world why you can deny any similar case in the future. The precedent is a bad one and opposed to the policy of parliament, and I do not think it should be concurred in.

Hon. Mr. PRIMROSE—The hon. member from Richmond in his remarks expressed

precisely the views that I hold in this matter. You have intrusted your committee with this branch of the work, and it has been proved to the satisfaction of the majority of the committee that the woman was in such circumstances that in no other way could she obtain the relief she sought.

Hon. Mr. KAULBACH—Not only the majority but the whole committee.

Hon. Mr. PRIMROSE—Yes. The Senate has been called the rich man's court, and I think it is a great pity there should be any reason existing why it should be so called. Why should a man who happens to be the possessor of wealth be able to apply for and receive relief at the hands of this committee, while a poor man, because he happens to be a poor man, is debarred. It has been abundantly proved to the satisfaction of the committee to whom you have intrusted this matter that this poor woman was in a position in which she could not otherwise obtain relief, and whilst admitting the force of all that has been stated about it being a bad precedent I still think in this case the request should be granted.

The House divided on the motion, which was agreed to on the following division :

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## THE FALDING DIVORCE BILL.

REPORT ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the tenth report of the Standing Committee on Divorce *re* (Bill C) "An Act for the relief of Mary Bradshaw Falding."

The motion was agreed to, on a division.

## THE COLTON DIVORCE BILL.

REPORT ADOPTED.

Hon. Mr. KIRCHHOFFER moved the adoption of the eleventh report of the Standing Committee on Divorce in the matter of William Wallace Colton Relief Bill.

The motion was agreed to, on a division.

Hon. Mr. McKAY—We have adopted the report of the committee in one case where the evidence is not before the House at all, and we have not read it. It must have been passed under a misapprehension. This is the first case on record where a bill has passed the House without the evidence being before us.

Hon. Mr. POWER—I think the wisest course to pursue now is that the hon. gentleman shall not move the third reading until the evidence has been distributed.

Hon. Mr. KIRCHHOFFER—The last report of the committee is merely a report calling upon the petitioner to find means for the defence and to provide counsel, and the other was a report on the merits of the bill, in which they approve of the bill and ask for its adoption. That was carried, but certainly the evidence has not been printed and circulated.

Hon. Mr. CLEMOW—It will be printed and circulated before the third reading.

Hon. Mr. KAULBACH—But we have adopted the report.

## INDIAN ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in committee of the whole consideration of Bill (G) "An Act further to amend the Indian Act."

(In the Committee.)

Hon. Mr. POWER—When the committee rose it was engaged in considering the first clause. The bill had been amended by the hon. the first minister, and I think I had suggested that it might be still further amended. In the course of my observations I stated that the policy of parliament had been to keep those reserves strictly for the use of the Indian tribes who lived on them. There appeared to be some doubt about that. With the permission of the committee I shall call attention to certain provisions of the Indian Act which seem to bear out the view I expressed; and those provisions bear on the propriety of the alteration of the law which is to be made by this amendment. Section 18 of the Indian Act says:

> The conferring of any such location title shall not have the effect of rendering the land covered thereby subject to seizure under legal process, and such title shall be transferable only to an Indian of the same band, and then only with the consent and approval of the superintendent general whose consent and approval shall be given only by the issue of a ticket in the manner prescribed in the next preceding section.

Now, hon. gentlemen, that section of the Indian Act certainly lays down directly and positively that no one shall own lands on the reserve and have a location title who is not a member of the band on the reserve, and there is very nearly the same objection to leasing the land to an outsider that there is to giving an outsider a location title. Section 21 of the Indian Act is as follows:—

> No person or Indian other than an Indian of the band shall settle, reside, hunt upon or occupy or use any land, or shall settle, &c., on any road running through the reserve, and all mortgages given and consented to by any Indian and all leases——

I call the attention of the Minister particularly to this:

> And all leases, contracts and agreements made or purporting to be made by an Indian whereby persons or Indians other than Indians of the Band are permitted to reside or hunt upon such reserve shall be void."

Then section 22 contains a like provision, providing for the removal of any person which goes on the reserve who should not be there:—"If any persons or Indian other than an Indian of the band settles, &c.," and section 92 implies the same policy. It is pretty clear that it has been the policy of parliament that persons other than Indians of the band should not reside on those reserves. However, I do not propose to move an amendment to that; but I propose to move an amendment, which I think ought to commend itself to the good judgment of the Committee, to the effect that the portion reserved shall not be leased for the benefit of any Indian or for his alleged benefit without his consent. I think that is not too much to ask. The probabilities are that in most cases the consent of the Indian would be obtained. I propose this amendment which I presume the First Minister will have no objection to accepting. After the word "Indian" insert at the end of the third line from the end of the clause, "with the consent of such Indian, his guardian or other legal representative."

Hon. Mr. MACDONALD (B.C.)—The Indians have no idea of business whatever. To give a consent of that kind they could not judge whether it was for their benefit or not, and therefore it must be left entirely to the Indian superintendents in different parts of the country. In Victoria we have one of the most valuable reserves of its size in the whole country. It is worth about $300,000. There has never been any complaint of injustice in connection with that reserve. What was applicable eight years ago may not be applicable to-day, because Indians die and changes take place, and it may be found more advantageous to let the lands and give the Indians the revenue derived from them. I daresay many of the reserves are too large. The Indians are poor tillers of the soil, and they would get much more benefit by having the land leased to white men than by holding them themselves. What was applicable ten years ago may not be applicable to-day.

Hon. Mr. ALMON—I think it would be much better to leave the matter as it is in the old Act.

Hon. Mr. KAULBACH—The Indians being wards and under the care and the protection of the Superintendent General, it is just as safe to leave him the discretion whether this Act should be done for the benefit of the Indian.

Hon. Mr. BOULTON—While I commend the hon. gentleman from Halifax for taking the precaution of bringing this point

before the House, his amendment should conceive also the idea of forbidding Indians from alienating their lands. If the hon. gentleman's amendment is intended to forbid the Government from letting the land go unless the Indian consents it should also provide that the Indian cannot alienate his property and fall a prey to the white speculator without the consent of the Government. As the Indians have always been regarded as the wards of the Government, it is desirable that they should continue to be so regarded.

Hon. Sir MACKENZIE BOWELL—A moment's reflection will show that the amendment proposed by the hon. member from Halifax would be more injurious to the Indians than to their advantage. At first blush when the suggestion was made I thought there could be no possible objection to it, but there are many cases where those lands have to be leased for the benefit of infants and orphans. It must be understood that this clause applies to only individual holdings. It does not apply to the property of the band generally. No property of the band is leased or disposed of in any way without the consent of the band, not even a single dollar, because there are cases which are constantly coming before the Government in Council for authority and power to appropriate in some cases $25, in others, $100 or $200, for the purpose of improving the land in the way of fencing or the construction of roadways, but even that is never done without a resolution having been passed first by the band asking that this sum be appropriated and expended, and then the Superintendent General comes to the Council and gets an order in council which is sanctioned by the Governor General before that can be expended. In addition to the infants, there are Indians of unsound mind who have holdings, and they are leased for the benefit of the family. If the restriction which is suggested by the hon. member from Halifax were adopted there would be no power in the hands of the government to lease these lands for the benefit of the widow and children. If there should be an amendment of that kind it would have to exempt the cases to which I have called the attention of the House. Otherwise these lands would either lie waste, or some person in the band would take possession of them without paying any rent. In this case there never has been, so far as I can learn by inquiry at the department, any abuse arising under it. This is in favour of the families of Indians of unsound mind, or of infants and widows and orphans, and also cases such as I have referred to, particularly in the locality and county in which I have been living nearly all my life, in which there are educated men who are members of the band. They have their individual holdings, but their time is spent away from the reserve at other vocations. There are a number of young men in that band who have received a liberal education and they occupy their time away from the reserve. The only change in this law from the law as it stands on the statute-book is to give the Superintendent General, with the surrounding checks to which I have called attention, the power to lease for the benefit of the Indian having an individual holding, and who does not desire to live upon his land, and also for the benefit of widows, sick, infirm and aged Indians. If there had been a case of hardship arising out of this, or had the power which is vested in the Superintendent General in the past—that means the head of the department here and not the agent living upon the reserve—been abused I would be quite willing to have it surrounded by all the checks desired. The hon. gentleman speaks of the guardians of minor Indians—who are the guardians? I have never heard of any guardians of infant or insane Indians. They are the wards of the country and I have never yet known a Superintendent-General in Canada to abuse the power which has been vested in him in dealing with these Indians. In fact, my great difficulty has been in the past, when a member of the House of Commons in trying to get what I believed to be the rights of the settlers on Indian lands, recognized by the department. There is always great sympathy with the Indians. It has been expressed here more than once, more particularly by my hon. friend from Victoria and others who have had anything to do with the Indians. Their sympathy is always with the aborigines of this country and against any interference with their rights and privileges. I think, after this explanation, my hon. friend will see that his amendment would be altogether unnecessary. If the House thinks an amendment is necessary one will have to drawn making the exceptions to which I

have called attention—that is to leave the power in the hands of the Superintendent General to lease these individual holdings for the benefit of widows and orphans and Indians of unsound mind, and those who are too aged to work on their lands, and there are many of them, and also to allow the Indian who belongs to a tribe and has rights in the land but does not desire to cultivate the soil to have the land leased for his individual benefit. The experience on the reserve near where I have been is that it is best to allow the whites to settle upon these lands and pay the rent. As a rule they are the best farmers among them. The Indians who do live upon the farms emulate not only the industry but the improvements made upon the lands by the whites. I hope the hon. gentleman from Halifax will, after this explanation, see that there is no necessity whatever for the amendment which he has suggested. My attention has been called to the fear that exists that any power of this kind should be vested in the Indian agent particularly in the west, where there is a speculative character amongst them, and that they might make recommendations which would be to the disadvantage and injury of the tribe, but in no case can land be leased which belongs to a reserve without the consent of the band.

Hon. Mr. BERNIER—When I first read that section I considered it very objectionable and I am sorry to say that I am still of that opinion. I cannot see that we should adopt the principle of giving an unqualified power to the superintendent-general to lease those lands. It means that they have the right to dispossess the Indians without their consent. It is true the law says that that power is to be exercised by the superintendent general, but as a matter of fact it will be the local agent who will decide upon the whole thing. He will make a report to the higher officer, and that higher officer will make a report to the superintendent general, and the order in council will be passed on that. From the experience that we have had in the west I am afraid it will open the door to abuses, and it would be much better, it seems to me, to adopt some limitation.

Hon. Mr. POWER—I do not think there is the objection to this amendment which has been suggested by the leader of the government. Those intelligent Indians at Deseronto, of whom the hon. gentleman has spoken, would have no difficulty whatever in giving consent to the leasing of their lands. There is no difficulty whatever in their cases, and, further, there is not nearly as much danger of abuse of this power in places which are near at hand—which are under the eyes of the government and members of parliament. The danger is in more remote places, where the leases would necessarily be made on the recommendation of the local agent. The first minister has objected to the wording of the amendment. It is possible that the wording is not just what it should be. If the hon. gentleman will turn to section 20 of the Indian Act he will find who the legal representatives of the Indians are. An Indian under this section has the power to devise his land. In case he dies intestate, the widow takes one-third of the land; and, if he has no children, she takes more. The superintendent general is, in cases where there is no provision in the law—in most cases there is no provision made—the guardian of the Indian. I see no objection to this amendment at all. Where an Indian is intelligent enough to know what his rights are, he is intelligent enough to give his consent. If incapable of giving his consent he must have some legal representative, and that is what the amendment says.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. gentleman has met the objections which I took to his amendment. Supposing an Indian is a worthless man. Supposing he leaves his family and goes away and refuses to work his land, where is the power to appoint guardians and who shall say that the land shall be leased unless the power is given to the superintendent general? I am dealing with cases where the Indians are more civilized than those to whom the hon. gentleman refers. I can appreciate very well the fears he has that in the west where they are not so advanced in civilization abuses may occur. If any injury could be pointed out that had arisen under this power to the Indians, there would be a good deal of force in what he says, but the reports of the local agents are all very closely scrutinized before they are acted upon and much more so when the report is from a part of the country remote from headquarters and where there might be a sus-

picion of an attempt to take advantage of the credulity, or want of knowledge, or uncivilized state of the Indians. My hon. friend from St. Boniface will understand that I am speaking more from my knowledge of the working of the Indian Act in the old provinces. I have not as much knowledge of the habits of the Indians in the Northwest as his long residence in that country would give him. Still I am quite certain that it would never do to hamper this clause in the manner suggested by the hon. gentleman from Halifax.

The amendment was declared lost on a division, and the clause was adopted.

On the second clause,

Hon. Mr. MACDONALD (B.C.)—Would this clause cover the case in connection with the Songhees reserve of which I spoke yesterday?

Hon. Sir MACKENZIE BOWELL—This does not make any provision to meet the case suggested by the hon. gentleman from Victoria. The only way that you could obtain any of the money which stands to the credit of the band would be with the consent of the band, and if the band consented to make an approprition of the surplus funds to their credit, it could be applied for the widow and the children of the deceased Indian, but not otherwise. Whether application was made in that case or not I do not know.

Hon. Mr. MACDONALD (B.C.)—The Premier will see that it is almost an impossible thing to get a consent of that kind owing to jealousies and local feelings among the Indians, and I think it would be well if the Premier would say what could be done in the matter before the third reading, because there are often destitute Indians and they have no means of getting any of their own money. There should be some way whereby, if the superintendent of Indian affairs was satisfied they were really deserving objects, they could get relief, because it is their own money, and it has never been touched in any way to relieve these Indians and their old men and women who cannot work. Their own money is in the bank and they know it, and they regard it as a continual grievance and hardship.

Hon. Sir MACKENZIE BOWELL—The remarks of the hon. gentleman show conclusively the absolute necessity of placing more power in the hands of the Superintendent General. Here is a case in which the chief of a band dies without property of any kind; his widow and children are left paupers upon the country; she has to sell her cow and every little chattel in order to raise money to bury her husband, and there is no power in the hands of the government or the Superintendent General to take from the fund, amounting to some ten or twelve thousand dollars which stands to their credit in the bank, one single cent in order to assist that poor woman.

Hon. Mr. MACDONALD (B.C.)—That is the case.

Hon. Mr. BOWELL—Now if you hamper the bill in the way that has been suggested, you deprive the Superintendent-General of the power of exercising the necessary authority in the case to which my hon. friend refers.

Hon. Mr. MACDONALD (B.C.)—If it were necessary to have the consent of the band of Indians to get any money for anybody, you would never get it.

Hon. Sir MACKENZIE BOWELL—I have made a note of the case and I will call attention to it and it will be considered.

On clause 3,

Hon. Mr. POWER—As a matter of information I should like to understand the exact meaning of sub-clause 2. What particular value is there in the title of life chief, if he can exercise no powers? I am simply asking for information. I do not exactly understand the object of continuing life chiefs if they have no powers.

Hon. Sir MACKENZIE BOWELL—This is retained in order to satisfy the vanity, if you like, of the old men who have ceased to be active chiefs in the band. They like to retain the honor, and they like to continue it until removed for some immoral or bad conduct.

The clause was adopted.

On clause 6,

Hon. Sir MACKENZIE BOWELL—Hon. gentlemen will observe in reading this

clause it provides for all these dances, orgies and festivals. I remember a remark made when we were discussing this at the second reading that there was no use in having clauses in the bill which in many cases could not be carried out. I have no doubt that in the more remote districts of British Columbia and the North-west it would be some years before we could completely eradicate these abuses, but in the more settled portions of the North-west they have already put a stop to them, and are enforcing the law gradually and as fast as they possibly can, and it is well to have it upon the statute-book in order, where it is possible, to put a stop to the immoralities that exist in the carrying on in many cases of these Indian festivals; but if you read it carefully you will see that the proviso at the bottom says:

> Always provided that the foregoing shall not apply to any agricultural show or exhibition at which prizes are given to the best exhibits thereat.

Now if this clause remains as it is, it will permit all these iniquities we are trying to prevent being performed at an agricultural show. The reason for making an exception of agricultural fairs was that it was thought that if the clause was passed without a proviso, it might prevent the giving of prizes at these exhibitions where the Indians compete, as they do in the North-west, for prizes. I move that the proviso be struck out and the following substituted therefor: "That nothing in this section shall be construed to prevent the holding of any agricultural show or the giving of prizes for exhibits thereat."

Hon. Mr. MACDONALD (B.C.)—I think the Premier will find wherever this custom has been stopped it has been done by missionaries and by Christian influences, and that is the only way it can be broken up. They used to have numerous orgies out there and eat dead dogs and so on, and Mr. Duncan broke the custom down in the north, and imprisoned the chiefs to stop this. That, together with his teaching, broke the custom down. There is no harm in this clause being passed. Of course it will be a dead letter to a great extent. In Victoria there was a large feast under the eyes of the police a few days ago. The old Act gave sufficient power to deal with this, and the Indian superintendent was there at the very door to stop it, and this was going on four or five days, celebrating the Queen's birthday in proper style. It was very orderly and there was no drunkenness, but it was done under the eyes of the police. Those Indians consume a lot of goods of all kinds at those fairs. They buy biscuits and blankets and goods of other kinds, and if that were stopped it would be a restraint of trade; and I suppose the police have some sympathy with the traders. In cases of that kind perhaps 2,000 or 3,000 Indians come in and buy a great quantity of goods and carry it away perhaps to the United States shores, and smuggle them in, and in that way it helps the trade of British Columbia.

Hon. Mr. POWER—I hope that that does not meet the approval of my hon. friend.

Hon. Mr. MACDONALD (B.C.)—Oh, yes, it does; I think it is quite legitimate for them: they do not know what the law is. However, this can never be stopped by the police, in my opinion.

Hon. Mr. ALMON—I regret that I have not been able to read that bill, but I hope it does not interfere with any of the old customs of the Indians, however barbarous they may be.

Hon. Mr. MACDONALD (B.C.)—Yes, that is just what it does.

Hon. Mr. ALMON—We must consider what took place in the mutiny in India because the cartridges were greased with hog's lard. Thousands of lives were lost by the uprising of the natives in consequence of it, and atrocities were committed on both sides, some of which we are ashamed of now. My hon. friend from Vancouver says this bill will never be acted on after it is passed. Perhaps no legislature in British Columbia will carry it out; but suppose some Englishman comes out and he does not know anything about the customs of the natives; he reads the law and sees that these things should not take place. There may be insurrections occurring in consequence among the Indians, and war may take place and many lives may be lost and the Indians may be lost. If the Indians wish to take up dead bodies and like to eat them, all right, so long as they don't ask me to dine with them. I said to a gentleman once, "Friend, I saw you eating grouse all over maggots, and you

say that is the proper 'way that it should be eaten.'" "Yes, it is the way grouse should be eaten," was the reply. I think that we should leave these things to men's tastes, and they will cure themselves.

The clause was agreed to on a division.

On the 7th clause, subsection 2,

Hon. Mr. POWER—It is provided that in the North-west Territories and the provinces of Manitoba and British Columbia every Indian agent shall for the purposes mentioned with respect to the Criminal Code be *ex officio* a justice of the peace. The province of Manitoba has been pretty well organized, and that province, I should think, ought to be exempted from the operation of this provision.

Hon. Mr. BERNIER—There are certain parts of Manitoba, in the north and east, which are very remote.

The subsection was adopted.

On the 8th clause,

Hon. Mr. POWER—This clause gives a very sweeping power indeed to the Governor in Council. The objections to any such power as that being given to the administration of the day, or to their local officers, must be apparent. There may be cases, however, where it is desirable that the amounts of the purchase money or of the rents might be reduced, and I suggest that the clause be amended by adding a subsection to provide that every year a return of such reductions shall be submitted to Parliament.

Hon. Sir MACKENZIE BOWELL—I think the suggestion is a very good one. It might have a deterrent effect upon the abuse of the power given under this clause to the government of the day. As I explained at the second reading of the bill, the reason why this clause is inserted is that in the early seventies lands were purchased at excessive rates, and it has been found necessary to make reductions. A large reduction was made in 1875 of the prices at which these lands were sold, but of late when it was proposed to carry out the same system which has been in vogue for the last twenty years, the Minister of Justice reported that he thought there was no power vested in the Superintendent General or the government to make these reductions, and hence it was deemed necessary to take the power and legalize what has been done. I accept the amendment.

The amendment was agreed to, and the clause as amended was adopted.

Hon. Mr. MACINNES (Burlington), from the committee, reported the bill with amendments, which were concurred it.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, 3rd June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BILLS INTRODUCED.

Bill (H) "An Act respecting the Shore Line Railway Company."—(Mr. McClelan).

Bill (28) "An Act to incorporate the St. John River Bridge Company."—(Mr. Poirier.)

Bill (57) "An Act to incorporate the Trail Creek and Columbia Railway Company."—(Mr. MacInnes.)

Bill (38) "An Act respecting the Hamilton Distillery Company."—(Mr. MacInnes.)

## VACANCIES IN THE SENATE.

### INQUIRY.

Hon. Mr. MILLER—Pursuant to the notice on the paper, I beg leave to call the attention of the House to the large number of vacancies now and for some time past existing in the Senate, and to ask the Government why such vacancies have been allowed to remain so long unfilled?

I do not now intend to offer more than a few remarks to the House in relation to this inquiry, because I will probably have another opportunity of speaking on the subject. It is my intention, unless the answer I shall receive to my question is satisfactory, to take the sense of the House on a future day by a formal resolution delaring the unconstitutionality of allowing vacancies to exist

in this branch of Parliament from session to session, as has been the practice of late years. I do not bring this matter forward with the desire of making an attack on the Government of my hon. friend who now leads this House, because I frankly admit the existing state of affairs, with one exception, is an inheritance from his predecessors The vacancy made by the lamented demise of the late Senator Tassé is the only one that has been created since the present Government assumed office.

I think, however, the time has arrived when it behooves some member of this body to break the silence that has so long been allowed to prevail in reference to the subject of my inquiry. There are at present no less than ten vacancies in this Senate, namely: two in Ontario; four in Quebec; one in Nova Scotia; and three in New Brunswick. Some of these vacancies have existed for years, notwithstanding that the constitution guarantees to every one of these provinces a specified representation in this branch of Parliament, as clearly as it provides for representation in the House of Commons. Section twenty-two of the British North America Act, 1867, is familiar to every hon. gentleman who occupies a seat in this Senate, but I may nevertheless be permitted to quote it:

22. In relation to the constitution of the Senate Canada shall be deemed to consist of three divisions:—

1. Ontario,
2. Quebec,
3. The Maritime Provinces, Nova Scotia and New Brunswick, which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows:—Ontario by twenty-four Senators; Quebec by twenty-four Senators; and the Maritime Provinces by twenty-four Senators, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.

These provisions so far as they relate to the Maritime Provinces are modified by clause 147 of the Act providing for the admission of Prince Edward Island into the union, on which event Nova Scotia and New Brunswick gave up two senators each to that colony.

It is the undoubted right of these provinces, under this section of our constitutional charter, to have at all times the representation in this body therein specified. The present state of things can only exist in defiance of the law and the constitution. I repeat it is the unquestioned constitutional right of every section of the Dominion to have at all times in both branches of the federal parliament the full representation accorded to it by the Act of confederation. I contend it is as great a violation of the letter and spirit of the constitution to leave vacancies in the Senate, session after session, as it would be to permit seats to remain vacant in the House of Commons during a session of parliament. The law creating the two bodies—the British North America Act—the charter of our rights, powers, and privileges—is as clear and emphatic on this point in relation to the Senate, as it is in relation to the House of Commons. There is no distinction made in this respect between the two Houses in our written constitution, and no language can be more clear than the thirty second section of the Act in regard to vacancies in this body; which I beg leave to cite:

32 When a vacancy happens in the Senate by resignation, death or otherwise, the Governor General shall, by summons to a fit and proper person, fill the vacancy.

This clause does not certainly bear out the extraordinary doctrine started in another place that vacancies in the Senate are to be filled at the convenience of the government. I have little doubt that if an address were presented to the Governor General calling His Excellency's attention to the subject of this inquiry, and to the above clause in the British North America Act, the result would not be in harmony with the language to which I have referred. I think it would be found that the existence in its integrity of the highest deliberative body known to the constitution, was not, after all, so insignificant a thing as to be at the whim or convenience of any minister or government.

I will not enter on any discussion to-day with regard to the special interest the smaller provinces of the Dominion have in seeing that this Senate shall continue to exist with all the rights powers and privileges which it was intended to possess by the framers of the British North America Act —but above all that it should exist in its integrity and completeness, apart from the convenience of any government. It is well known that when, at the union, the principle of representation by population in the lower House was conceded to the larger provinces, a larger representation than our numbers justified was given to the smaller provinces

in this Senate as a balancing wheel in the working of our governmental system. It was contended that in this House the smaller provinces would always be strong enough to protect themselves. But if vacancies can be allowed to exist for years to suit the convenience of any government, how easy might it not be to completely destroy this safeguard and protection? At the present time one-fifth of the representation of the provinces of Nova Scotia and New Brunswick in this Senate is vacant, and has been so for several years. If four seats can legally be kept thus vacant, why not a dozen seats, or for that matter the whole representation of these provinces?

Neither do I intend to-day to discuss the question as to how far the keeping open of vacancies in the Senate may be improperly used to control action elsewhere, because I would not think of imputing anything of that kind to the hon. gentleman now at the head of the government.

Hon. Sir MACKENZIE BOWELL—I cannot say that I regret that the hon. senator from Richmond has brought this question before the notice of Parliament. I am thankful to him for the introductory remarks in which he says that whatever wrong may have been committed has been inherited by myself. I will say further that I agree to a very great extent in every point which the hon. gentleman has made, and it shall be my endeavour at the earliest possible moment to have the vacancies which now exist in the Senate filled. Beyond that, I do not know that I have anything to say. To attempt to combat the hon. gentleman's arguments from a constitutional standpoint would be futile, and it is much better that I should honestly acknowledge it. Before I occupied the important position that I fill now, I impressed earnestly upon those who had the responsibility of filling these positions that they should fill every vacancy promptly, and I can assure my hon. friend, and also the Senate, that I shall endeavour to have this cause of complaint—this grievance, if it may be so termed—removed at the earliest possible day. I am gratified to know, however, and I think my hon. friend will admit it, that nothing has occurred to lead the representatives of the Maritime Provinces to the conclusion that their rights have been in any way jeopardized, or interfered with, by the majorities from the other provinces, although I equally admit that that is no answer to the argument of my hon. friend that such might occur under circumstances where they were not represented to the fullest extent. We will endeavour, as far as possible, to prevent the opportunity of any injustice occurring in the future.

## MONTREAL HARBOUR COMMISSION.

MOTION.

Hon. Mr. DESJARDINS moved:

That an humble Address be presented to Hit Excellency the Governor General; praying thas His Excellency will cause to be laid before the Senate, a copy of all memorials, petitions, representations and correspondence addressed to the Government by the Harbour Commissioners of Montreal, or by any other corporation or individuals, concerning the finances of the said corporation, the cost of works in progress or proposed for the enlargement of the harbour of Montreal, as well as of the modifications suggested in the said works;

Also, a copy of all memorials, plans, reports, petitions and correspondence relating to the construction of an inland basin and a dry dock in the eastern part of the harbour of Montreal;

Also, a copy of all resolutions on this subject passed by the Montreal Harbour Commissioners;

Also, a copy of the Order in Council appointing a commission of engineers to inquire into the nature and cost of the works now being executed in the harbour of Montreal, together with a copy of the instructions given by the Government to this commission:

Also, a copy of all evidence, or summary of evidence, given in the course of the inquiry held by the said commission;

Also, a copy of the report of the said commission, and of any special report by any of its members, and of all plans and statements of cost accompanying such reports.

He said:—It is not my intention to make any remarks further than to call attention of the government to this subject in view of the fact that, if we are well informed, the harbour commissioners of Montreal have petioned the government for aid, either in the form of a subsidy or of a guarantee which will help the commissioners in completing the works actually in progress in the harbour. The government is aware, very likely, that upon those works and the system under which they are carried on there is a great diversity of opinion. For a long time the aim of the commissioners seems to have been to bring into the smallest possible area the largest number of ships, so as to place them in front of some of the offices in Montreal, leaving the question of the access

of the ships and steamers to the harbour to be dealt with by the railway companies or others interested in transportation. It is not the first time that this matter has been brought before the public. For the last 40 years there has been a conflict of opinion about the way the harbour was being extended, or supposed to be improved, and the result proves after all that those who objected to the policy pursued by the commissioners were not altogether wrong. It is well known that while the government has been spending large amounts of money to perfect the system of communication between the west and the east, and to make Montreal a great national harbour, and while it is admitted that our system of canals is vastly superior to that of the United States, and that the deepening of the channel of the St. Lawrence and placing buoys, beacons and lights, from the port of Montreal to the extreme east of the Gulf of St. Lawrence, making it the best and safest route to the most inland port of this continent on the Atlantic sea board, yet, with all this, we find that most of the western traffic still continues to go to the United States seaports, and why? The great reason, so far as we can understand it, is this: that shippers are handicapped at Montreal, that when the traffic has reached that port, either coming from the ocean or going from the west, the facilities there are so far lacking that in order to avoid the cost and the inconvenience which the traffic meets with there, they prefer to go by the United States ports and there have the goods distributed through the western part of the country. The subject is very important, and it is quite in order to raise the question when that commission, after such results, comes to the government for help to continue a scheme which has evidently been a failure. The great error seems to be this: they have followed the tradition of the first engineers, who expressed the opinion that there would never be any possibility of railways competing with canals for the carrying of heavy freight, such as grain, lumber, or anything of that kind, and the great efforts of the commissioners have been to bring the harbour of Montreal into as close communication as possible with the Lachine Canal, without regard to the means of reaching the harbour by rail. Before that commission goes any further with those works, which are in the most contracted part of the city, the government, which is so much interested in solving that problem of the national port, should interfere and say if we must keep in the old rut, or, taking a broader view of the subject, see if easier access for the railways to the harbour of Montreal cannot be provided than that which we have been able to obtain so far. It is very well known that the traffic from the west destined for shipment by steamer is blocked for the greater part of the day. It is only between the hours of 7 o'clock in the evening and 6 in the morning that cattle can be transferred from the cars to the steamers, owing to the congested condition of the place the whole day long. Trains of freight coming from the west are always exposed to being delayed twelve hours before they can reach the steamers, because the commissioners have always stuck to the idea that the steamers must be in sight of the officers of the shipping agents, so that the shipping agents may be able at all times to go down if they choose to the ship in smoking cap and slippers. The natural harbour of Montreal is between two and three miles down. It has always been admitted to be the best harbour for ocean steamers, and yet should the idea of the engineers of twenty-five or thirty years ago, that the agents or shippers would find it inconvenient to have to go two miles to do business be still adhered to? Can we find any other ports where such ideas would not now be laughed at? With the easy communication we have by telephone and electric cars there is no reason why we should adhere to the old idea of contracting the interests of the harbour into such a narrow area as that which we see now in front of Montreal. I hope to find in the report of the commission of engineers lately appointed that more modern ideas prevail on that question—that the rules of commerce which applied thirty or forty years ago are no longer to govern the commissioners. It is very important that those documents, which I am asking for should be brought down before Parliament is called upon to vote for any appropriation to help the commissioners to continue in the same line that they have followed in the past, or to authorize the guarantee of the county to procure a loan for the same object.

Hon. Sir MACKENZIE BOWELL—There can be no possible objection to bringing down all the papers in the possession of

the government referring to the important harbour of Montreal. Everyone must recognize the force of the statements made by the hon. gentleman from Hochelaga. The trade of the St. Lawrence has increased rapidly from year to year, and the western portion of the harbour has become altogether too limited for the requirements of the port, and more particularly for the requirements of trade which is flowing eastward. Anything that can be possibly done to increase the facilities for shipping at the lower ports in order to prevent our trade from gradually drifting to the southward, should be done by the city and its inhabitants, aided to the utmost possible extent by the Dominion. The harbour of Montreal is really as much a Dominion as it is a local work and I can only hope that the time is not far distant when the facilities which should exist, and which can be provided by going a little eastward, will be furnished for the increasing trade. A distance of two miles does not amount to anything in these days. With the telephone and the electric car a few miles is of very little consequence. It struck me that if two or three miles is an objection to business men in Montreal, who have to send their officials to the ships, the merchants of London and other great cities would be in a very bad position. Many business men in London live eight and ten miles from the harbour and the objection to a distance of two or three miles in Montreal, if it has been an objection in the past, must now vanish. I will see that the papers are brought down at the earliest possible moment.

The motion was agreed to.

## INDIAN ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called third reading Bill (G) "An Act further to amend the Indian Act,"

Hon. Sir MACKENZIE BOWELL said: I notice some errors in the bill which I wish to correct, and I therefore move that the bill be not now read the third time, but that it be referred back to the Committee of the Whole.

The motion was agreed to.

In the Committee.

Hon. Sir MACKENZIE BOWELL—I promised the hon. gentleman from Victoria to make inquiry about the case on the Songhees reserve, to which he referred at the second reading of the bill. I have the following information:—The agent, Mr. Lomas, has discretionary power to supply assistance from the vote for relief where absolutely necessary to relieve sickness and destitution; out of this there is still about $1,200 still unexpended. The Indians (Songhees) have about $2,000 of interest at the credit of their trust account, and have made requisition on the department for expenditure of a portion of the amount to assist some of the poor people on the reserve, one of them is Mrs. Freeze. The agent has been authorized to expend $50 for this purpose, pending a more detailed report from him as to the circumstances, &c., of the persons whom it is desired to assist.

Hon. Mr. MACDONALD (B.C.)—The reply is entirely satisfactory, and I have to thank the hon. gentleman for the information.

Hon. Mr. MACINNES (Burlington), from the committee, reported the bill with amendments, which were concurred in.

The Bill was read the third time and passed.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Tuesday, 4th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE JAMES MACLAREN COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (29) "An Act to incorporate the James Maclaren Company (Limited)" with amendments. He said: The bill is for the incorporation of the Maclaren Company, and it comes from the House of Commons. It gives power to the company to do a great variety of things, to carry on the manufacture of timber and lumber in all its branches

also pulp wood, bricks, terra-cotta, build docks, vessels, &c., and is precisely similar to bills which have been passed here from time to time; for instance, it is very similar to the Rathbun Company's bill passed a few years ago. Amongst other things, it takes power to acquire patents and patent privileges for the production and proper working and disposing of electricity, and also to construct dams, piers, bulk heads, &c., electric hydraulic power, manufacturing light or heat, or for any other purposes. In similar bills incorporating companies for the production, working, or disposal of electricity, electrical or hydraulic power, there are subsections prescribing certain rules or conditions with respect to the exercise of these powers, such as the height of wires and the kind of poles to be used, and various other provisions of this kind. The committee deem it right that those sub-sections should be introduced into this bill, as evidently they have been omitted by oversight from the clause relating to the exercise of those powers. I suggest to the hon. gentleman who has charge of the bill to move that the amendments which are very long, extending from *a* to *m* be taken into consideration to-morrow. They will be printed in the Minutes, and hon. members will all have an opportunity of reading them.

Hon. Mr. McCALLUM—In the absence of the hon. member from Perth, I move that the amendments be taken into consideration to-morrow.

The motion was agreed to.

## THIRD READING.

Bill (33) "An Act to amend the Act to grant certain powers to the Sable and Spanish Timber and Slide Company of Algoma, Limited."—(Mr. McCallum.)

## CUSTOMS SEIZURE AT MONTREAL.

### INQUIRIES.

Hon. Mr. BELLEROSE—It is not my intention to make any remark at present on the question which I am about to put. If the Premier will allow me, I will put them *seriatim* and then if the answers are satisfactory I shall have nothing further to say. If they are unsatisfactory I shall have more remarks to make. The first question is:

At what date certain books or pamphlets bearing among other titles the following: "*For Sleepy Americans, a literal translation from Liguori's Theology, or Questions put daily by the Romish priests to women in the Confessional,*" were entered at the custom house at Montreal?

I may say that the book which the hon. Premier spoke to me about on a former occasion, and which bears the title "Fruits of the Confessional Box," is the book referred to in my questions.

Hon. Sir MACKENZIE BOWELL—The officials in the Customs Department have been unable to find the papers relating to the book entitled "Fruits of the Confessional," which appear to have been mislaid. as well as some others, and cannot be found since the Watters investigation. The Customs records do not show that any book of the name referred to has been confiscated or detained. A book entitled "Fruits of the Confessional," which may be the one referred to, cannot be identified with the title quoted in query No. 1, either by the records in the department, or by reference to Montreal, where inquiry has been made of the seizing officer.

Hon. Mr. BELLEROSE—The second question is:

2. Whether these books were not confiscated by the officer at the head of the customs at Montreal as being of too immoral and too indecent a character for circulation?

Hon. Sir MACKENZIE BOWELL—The books were detained by the customs at Montreal and the detention reported to the department.

Hon. Mr. BELLEROSE—The third question is:

If so, at what date and by what officer?

Hon. Sir MACKENZIE BOWELL—They were detained on the 3rd of May, 1894 by Mr. Appraiser Ambrosse.

Hon. Mr. BELLEROSE—The fourth question is:

To whom were these wooks consigned?

Hon. Sir MACKENZIE BOWELL—The books in question were consigned to Mr. Norman Murray.

Hon. Mr. BELLEROSE—The fifth and sixth questions are

5. Whether the consignee or importer has been prosecuted according to law?
6. If so, at what date? If not, why the law has not been put in operation?

Hon. Sir MACKENZIE BOWELL—I do not know, I am under the impression the consignee was not prosecuted; the late acting commissioner reported having obtained a legal opinion to the effect that the books should be released, and made his report in these terms, under provisions of section 179 of the Customs Act, which report was adopted by the controller.

Hon. Mr. BELLEROSE—What is the opinion that was given by the Minister of Justice?

Hon. Sir MACKENZIE BOWELL—This opinion must have been obtained from the Minister of Justice. We never apply to outside lawyers except on special occasions. The answer put in my hands is that the act ing commissioner (that is Mr. Watters) made a report upon the legal opinion which he had received, was to the effect that the books should be released, and made his report on those terms under the provision of section 179 of the Customs Act.

Hon. Mr. BELLEROSE—I cannot accept those answers as leading me to believe that the Controller of Customs has done his duty. While I admit frankly that the different answers given by the hon. premier fully agree with the information that I have, I regret that I am obliged to take exception to the reason given for the course followed by the Controller of Customs. It is unfair to compare, as lawyers have done, the St. Liguori theology with the dirty book which is the subject of my question. Indeed, it is offensive to all ideas of propriety and tends to confuse the public conception of right and wrong. St. Liguori's moral theology, to which reference is made, is a work which defines the duties and establishes the obligations of every individual towards God, and his neighbour and himself, and is founded upon divine law. Now is not a book of that character a most precious and valuable work? The objection may be raised, but are there not in this book some pages which are immoral and indecent? My answer is yes; there are in this precious book, divided as it is into a good many volumes, some very few pages indeed which are certainly not decent, just as there are such passages in our voluminous criminal codes and medical works, and even in our statutes, and especially in commentaries on them, There are certain parts which certainly are not decent, but this cannot be avoided—it is the natural and inevitable consequences of the fall of our first parents. From that sad event all kinds of misery have become the lot of mankind. Men have ever since had a tendency to do wrong. They became so corrupt that God had to give them his commandments, and neither religious nor civil society can be indifferent to the enforcement of those divine laws. Society, religious and civil, had to deal with them each in its own way, to force men to obey the great precepts of their Maker. God having prohibited, by two of the commandments in the decalogue, all forms of lust, religious society by the church, through her theologians, had to interpret those commandments and explain their meaning in order that her mini ters, to whom power had been given to forgive or to refuse to forgive, might faithfully perform so important a duty as enforcing the observance of those laws within the limits of her jurisdiction, which is spiritual. So, also, had civil society, by her legislators and her jurists, to make laws and interpret them within the limits of her jurisdiction and in obedience to the divine command. Neither religious nor civil society could have accomplished that end without using the language which they have employed and which certainly is not, and cannot be, more decent than the subject with which they deal. But such a use of the language could not have caused inconvenience nor could it have been circulated to such an extent as to warrant an objection being made to the importation of the books which contained it. No one can deny that a vast number of offences and crimes would be committed daily if such rules and laws, religious and civil, had not been framed and enforced. It is obvious that those books, whether they be medical, legal or ecclesias tical, being generally voluminous and expensive, are not popular works, and consequently cannot have done mischief. As a rule, they are never bought except by those whose profession renders the use of them necessary. Some ignorant people may say, "Is it not a

disgrace that priests should put such questions to women in the confessional?" I answer, have not the ministers of the church of Christ been established as spiritual judges? Do we not read in St. Matthew, "I will give to thee the keys of heaven, and whatsoever thou shalt bind in earth, it shall be bound also in heaven, and whatsoever thou shalt loose on earth, it shall be loosed also in heaven." In conformity with this order of Christ to his apostles, they and their successors have heard confessions. The confessor must know the different circumstances of the offence in order to decide what shall be done, and he must ascertain whether the offence was of a serious or of a light character, and deal with the case according to the circumstances.

Hon. Mr. POWER—Looking at the notice which the hon. gentleman has put on the paper, I see that he refers to books with English titles. As I understand, the title is either as it is given in the notice placed on the paper by the hon. gentleman, or it is "The Fruits of the Confessional." The remarks of the hon. gentleman are now directed to an explanation of the things which may be found in books written in Latin. St. Liguori's theology has not been translated into English; and I really do not see the appropriateness of this speech. If the hon. gentleman means that what may be truly said of a work written in Latin only for students is also true of a book written in English, apparently for the purpose of casting reflections upon St. Liguori's church, I am puzzled to understand him.

Hon. Mr. BELLEROSE—As I said at the very beginning, my question is there. I did not know under what title it had been given. It has three or four titles. And I answer to the hon. gentleman that it is the same book that I have asked the question about, so that I am dealing with the case as it stands there.

Hon. Mr. POWER—The book of which the hon. gentleman is speaking is not either of these books. The hon. gentleman is telling us something of the things which are contained in the course of theology written by St. Liguori. What has that to do with this book published in English and dealing only with a certain small portion of the subject?

Hon. Mr. BELLEROSE—Has not the hon. gentleman read in my questions that the writer of the obscene book describes it "A translation from Liguori's Theology." I have, therefore, to establish that while the works of St. Liguori may be sent abroad and received by the Comptroller of Customs, the French version given by laymen ought not to be received, and to make my argument I have to say what the first book is and what the second book.

Hon. Mr. POWER—I think the House would be willing to accept the hon. gentleman's statement without any elaborate argument. It does not appear to me that this is the place for a theological discussion.

Hon. Mr. BELLEROSE—I am surprised at the hon. gentleman, because he was the last man in the House from whom I should have heard an objection, belonging, as he does, to the same church as I do. If I would attain the end I desire he should not object.

Hon. Mr. POWER—I am not finding fault with the hon. gentleman's theology; but I doubt whether this is the time and place to give it to us.

Hon. Mr. BELLEROSE—The hon. gentleman is only trying to persuade the House to prevent me from going on but let me tell him that he cannot succeed. I thoroughly understand what the rules of Parliament permit me to do and say, and I intend to proceed with my remarks. I was remarking that the confessor must know the circumstances of each case, just as our civil tribunals must know the facts before giving judgment. Hon. gentlemen know how indecent the details of criminal cases sometimes are—they are shocking; nevertheless, in the public interest, the evidence must be taken, and in open court. The confessional, however is secret, and those details are not made public. Does that make the system less moral, or more objectionable? Are not medical men allowed constantly to take women into their offices and investigate cases by personal examination which could not be otherwise? Yet husbands and fathers consider such a thing proper and necessary: Why, then, should it be thought wrong to allow a priest to hear confessions and inquire into the details of offences on which he is required to pass judgment in order that he

may relieve the consciences of penitents. The mere statement of the fact is sufficient to establish the propriety of the system to all who are not bigots or fanatics.

I now come to deal with the filthy book which has imposed upon me the duty of calling the attention of the House to the circumstances under which it has been imported into Canada by one of our citizens with the aid of the Comptroller of Customs. Even the cover of the book shows the spirit which prompted its publication. Besides a nasty engraving which appears on the cover, and an eye over which are the words "An eye observer," you find the following :—"The fruit of the Confessional Box" "By their fruits ye shall know them," "Son of man seest thou what they do in the dark," and some others, and on the back of this contemptible book is found the name of the writer, P. A. Seguin, ex-priest, with the following sentence "The tamer of the Romish beast," and some other sentences of the same character. I find in the dictionary the following definition of "hatred"—"it is a sentiment of aversion for a person or for an object which you consider is an obstacle to your happiness or which runs against your passions." If such is hatred when it enters the heart of a man towards his fellow men, what must it be when it finds it way into the heart of a son against his mother? What must it be when it enters into the heart of a man who, when taking holy orders, has solemnly and deliberately, before God and man, taken the vows which every priest has to take? What must it be when it has entered into the heart of a man, whose passions have forced him, it seems, to be untrue to such solemn engagements towards God? What is thought amongst laymen of one who has bound himself in honour to do a thing which he fails to do? Any charitable man, following his conscientious convictions in deserting the Church of Rome and joining another church, would certainly not have prepared and put into circulation such a pernicious book. Even in the pursuit of this bad object, prudence should have suggested to the writer the advisability of concealing his hatred for his mother church and his eager desire to create a scandal. Self interest should have dictated a different course from the one which he has pursued. On the cover of the book, as I have said, is an eye, over which appear the words "An eye observer." Anyone who reflects a little must know that confession, being most secret, no eye can observe what is done and no ear can hear what is said in the confessional except those of the priest and of the person who is making the confession. The only conclusion which one can come to is that the writer meant that he himself, having heard confessions, had been tempted to abuse the trust reposed in him, and finding that the sacred work was too great a strain upon his virtue, had to abandon it and leave the church, lest he should give way to his passions and do what he insinuates is done by other priests. Let me add, *en passant*, that he is not the only priest who has left the Church of Rome, and there is nothing extraordinary in the fact. It will occur from time to time, for is it not written in the holy book that scandals and abuses will come? But look at the list and point out the name of a single priest who has not given some good evidence of the passion under which he was forced to leave the church. Sometimes it is excessive love of money, as was the case with Judas; at other times it is love of liquor, as was the case, it seems, with the monk spoken of by the Ottawa *Citizen* of the 29th May last in the following words :—

> An ex-monk of the Roman Catholic denomination who flung away his faith and became a Baptist minister, then fell into dissipation and evoluted into a thief, was in the prisoner's dock (at Buffalo).

Sometimes it is excessive love of women, as is often shown by those ex-priests marrying after deserting their mother church. So it is with the other passions of which the heart of mankind is full, and which lead them into all kinds of humiliations and misfortunes if they are not subdued at the proper time. Do we not read in Scripture that St. Paul had to fight continually against himself, in order to release himself from the bondage of the body? I have mentioned these facts in the hope that hon. gentlemen will be led to sum up the number of priests that we have in Canada and the percentage of them that have fallen from one reason or another. I am convinced that if they investigate the subject they will admit that the number of those who have swerved from the path of duty is comparatively very small. The small proportion is all the more striking when we bear in mind the fact that even in the time of Christ there was one traitor among his disciples. That this pamphlet to which my questions relate has been circulated for the purpose of injur-

ing the Church of Rome and creating scandal is very evident and so long as one copy of it is permitted to be circulated it will be a curse to many people, especially the youth of the country. But it cannot injure the church. No reasonable man will be deceived by such a book. As evidence of that fact I may mention that five weeks ago I knew nothing of this dirty book, but when this House adjourned on the 3rd of May and I was on my way home passing through Montreal on the 4th of May, I was met by a gentleman who, after exchanging some words, said: "Have you heard of a certain obscene book which our Controllor of Customs has allowed to be put in circulation?" I replied that I had not. Well said he "the facts are these: Some months ago a very bad and immoral pamphlet was confiscated at the customs house here in Montreal because of its indecent character, but your Controller of Customs ordered the seizure to be released and the books to be delivered over to the consignee. Now I would rather lose $1,000 than see this book in the hands of my children, and no doubt Mr. Wallace would not allow his children to see it, but his hatred for your church has no doubt suggested the course which he has followed." I have related the whole conversation because the gentleman to whom I refer is a Protestant in Montreal, a member of a rich wholesale firm doing business in that city. This same gentleman added: "Could you not do something in the matter and protect our youth?" I replied that I could, but that it was necessary that I should have more information and see the book to be certain of what I was about. "Very well," replied the gentleman, "I will give you the book and all the necessary information." He did so and I decided at once to make this my first duty when the House should meet after recess. Accordingly, the very first day after the Senate reassembled on the 21st instant, I gave notice of the questions with which we are now dealing. Having now shown the indispensable nature of the St. Liguori theology, and its resemblance to all other professional books as far as the objectionable parts of it are concerned, having also shown the object of the writer of the disgraceful pamphlet, I come now to speak of the latter itself. It is not, as St. Liguori's is, a complete course of theology; it contains only a translation of that part of St. Liguori's work which deals with the two commandments of the Decalogue, prohibiting all forms of lust. Let me remark here that no theologian has ever written a word in connection with those two commandments in any other language but Latin, lest it should happen by accident that one of these books should fall into the hands of the people at large and they should be scandalized, yet here is this miserable priest translating and publishing the immoral part of those books to give it as a food to the intelligence of the people, and we have the sad spectacle of the Comptroller of Customs finding fault with his subordinates in Montreal for having confiscated those filthy books, and ordering that they be delivered to the importer, for sale in Canada. Theological works are very expensive, because they are, as a rule, voluminous, and being written in Latin, no one but a priest would be interested in buying them. Why then select a few obscene pages from them, translate them into a vulgar language and sell them at a low price, in order that they may be circulated throughout the country to become germs of demoralization? Is it not the first duty of every government to prevent the demoralization of the people over whom they rule, and what other object had this parliament in view when they adopted the law prohibiting the importation of immoral books and pamphlets? Such a law being on our statute books—parliament having been asked by the government, of which the present Premier was a member, to pass such a law, it should be enforced. What use was there in adopting it if the government are the first to violate the law? I have no hesitation in saying that I know of no book better calculated to demoralize its readers than that obscene pamphlet. The law is made of no effect—has it been put on the statute book without any intention of enforcing its provisions, and merely for the purpose of deceiving the people and leading them to believe that their representatives are protecting them from scandals and keeping out of the country literature calculated to ruin their children. No doubt there are people who will object that the translation is no worse than the text. To that objection, which I heard only to-day, I have this reply:

What is the spirit of our legislation prohibiting the importation of all books, pamphlets, pictures of an indecent or immoral

character? Is it not, in order to prevent the demoralization of the people at large? Such demoralization will not follow the importation of professional books such as medical, legal or ecclesiastical works of which I have spoken, for the good reason that they are expensive books and can hardly be bought by any except professional men to whom they are necessary in fact, indispensable, and therefore, they can have but very limited circulation. If you allow a book or pamphlet containing a translation of such parts of the professional book as are objectionable apart from the original book, to pass at the customs house and be circulated you admit a book prepared for the simple purpose of spreadiug demoralization, and it is for that object they are sold for a few cents. So that, following the spirit of the law, the importation of medical, legal or ecclesiastical books which are absolutely necessary in the interest of the people at large, is and must be tolerated, however objectionable parts of them may be. While under the law the sale and circulation of any translation of objectionable parts of these books, but in pamphlets, ought not to be allowed because far from necessary books they are, on the contrary without utility, obnoxious and most dangerous. Let me put the question in a more practical form.

Suppose, for instance, I obtained from a doctor a book on anatomy which contains plates of an indecent character. Such a book cannot be objected to, and the Customs Department is obliged to admit it, because it is necessary for the professional men who are interested in it. But suppose I were to take certain passages and plates from that book and have them printed in pamphlet form and exposed for sale at a few cents each, would not any member of this House pronounce that that pamphlet ought not to be put in circulation? These medical works can never be popular because they are very expensive; as an example, there is one book in our library consisting of two volumes which cost $25 in the United States on account of the expensive character of the plates. There is no danger of the public generally buying such books. It is the same with the work in question, and other theological works. Let me add another circumstance which is in favour of thelogical books. While medical works are printed in French or English, as the case may be, theological works are printed only in Latin, so there is no danger that they will ever be circulated generally among the people. Take the Criminal Code which was prepared and passed in this House. It has many clauses which contain indecent and obscene words, but the necessity for such legislation arises from the condition of society, the result of the fall of man 6,000 years ago. I have seen commentaries on our criminal law which are worse than any book I have ever read. Cases arise in the courts which are of such a character that judges are obliged to exclude the public, yet the evidence must be taken—it is a matter of necessity and the natural consequence of the downfall of man. We must do the best we can to deal with such questions without corrupting the public, but there is no necessity for circulating such a dirty book as this which was seized in Montreal. I do not know the man who sells the book, but I will read a letter which I received from him to-day and which gives an idea of his principles. He sent me a copy of a book, containing about 30 pages, the conclusion of which gives an idea of the whole work. I will read his conclusion. The title of this book is "The Rise and Fall of Jewish, Roman and Protestant Priestcraft, By Norman Murray. The conclusion of the book is as follows:—

Hear the conclusion of the whole thing: One God, one religion for all men in all ages; fear God, keep his commandments and do good to all men. No monopoly or tariff in trade or religion, no dictation from Rome or Washington under the British flag. The Church of Rome is a fraud, the Church of England is a farce, and the so-called Church of Scotland is an imposition. They get other people's money for nothing. The Church of England was conceived in sin, shapen in iniquity, born in crime and nursed with the blood of the Puritans and Convenanters. As a man lives, so shall he die. No holy water, made with common water and salt, will purify a rake whose heart has not been changed. If a man promises a woman to love and protect her, no imposter with a black peticoat or white neckwear can relief him of his responsibility. If it is improper to marry a first or second cousin, or a deceased wife's sister no dispensation from an Italian fraud can make the matter right. The letters of Archbishop Fabre and Cardinal Taschereau to the ex-priest Martin should be brought in evidence against these imposters, and if they were both put in jail for six months it would be a lesson to others in future to keep them from trying to do mischief.

Is any one so foolish as to suppose that God has more respect for an Italian cardinal than a good honest Scotchman? If there is a heaven and a hell you will see Protestant Scotchmen up above, and Italian and French cardinals in hell, when you go to the other side.

This is what Mr. Norman Murray writes to me personally :

2108 St. Catherine St.,
Montreal, June 3, 1895.

Senator Bellerose :

Sir,—I understand you are interesting yourself in the books seized on me last summer which Rome's hirelings had to release. I would not like any better fun than to be prosecuted for selling these books, so as to have an opportunity of cross-examining some of the priests of anti-Christ as to whether they do or do not ask these questions of women in the confessional. What is the confessional for, anyhow, but for asking all sorts of dirty questions? I shall have some accounts to settle with your crowd yet, so you had better set the ball rolling again.

Yours, &c.,
N. MURRAY.

This quotation, as also the letter of Mr. Murray, show what is aimed at by these people. I only received the letter this morning, and have to thank the Premier for having requested me to let the matter stand until now, because it has enabled me to use this letter and the extract from the pamphlet, to show the disposition of the man who sells the book and the character of the book itself. I do not think that the matter was treated as it ought to have been by the Customs Department, but I could not charge the Controller of Customs with having been animated by an hostile feeling against the church to which I belong. I rather would say that he was deceived, nevertheless even if he was but little responsible for the release of the books, I cannot help saying that he ought to have made this case a test one. In the Montreal office there are Protestants and Catholics, and I do not know by whom the seizure was made—whether Protestant or Catholic.

Hon. Sir MACKENZIE BOWELL—He is a Protestant.

Hon. Mr. BELLEROSE—This speaks in my favour, and it shows the morality of the officer who did it. Now, there is another question that may be raised by the Premier as to the law as it stands. Here is the law prohibiting the importation into Canada of any goods mentioned in schedule "C"—779, books, printed papers, drawings, prints, photographs, or representations of any kind of a treasonable, seditious or of an immoral or indecent character. I cannot admit that professional books fall under the law, they are a necessity and can hardly have a large circulation on account of their high cost. They are only for the use of professional men, either lawyers, doctors or priests. But as I said before, when you take out of those books anything which is objectionable, indecent or immoral, and make it a cheap book, evidently it comes under the law. It is done to demoralize and do injury to the people, and I cannot suppose that the lawyers or the Minister of Justice feel that under the letter of the statute they can do nothing to prevent it. I say furthermore that the government are responsible, because they ought to have amended the law long ago in order to establish the difference between books which must be imported and books which are circulated at a very low price in order to demoralize the people.

Hon. Mr. KAULBACH—My hon. friend is anxious to prohibit the importation of any literature which would affect injuriously the morals of the people, and incite to undue indulgence in lust. My hon. friend is right in that, but I do not think that our criminal law meets this case of what appears to be garbled extracts from a scientific work on physiology, ethics, or the science of living beings, or moral philosophy, and under the law I do not think the officers could have done anything else than they did do ; but I think my hon. friend has failed in what he desires to accomplish. He has given publicity to the book which sweepingly denounces the Church of England to which I belong, and also the church to which he belongs, and Protestants generally. Any of us would be inclined to get that book and read it ourselves. I never heard of it and I do not think it would have had much publicity but for the course pursued by my hon. friend. I think Norman Murray will thank my hon. friend for the publicity given to his book. The hon. gentleman asks who will read it? Why, anyone of an inquiring mind will be disposed to read that book now. I therefore think my hon. friend has done more harm than good by his speech. He has advertised the book and given notoriety to the publisher and the public will read it now, whereas they would not have done so but for the hon. gentleman's remarks to-day.

Hon. Mr. POWER—Inasmuch as I interrupted the hon. gentleman from Delanaudière, I may be allowed to say one or two

words as to why I did so. I do not often agree with the hon. member from Lunenburg, but I do on the present occasion. My great objection to the course taken by the hon. member from Delanaudière is that he has taken the very best means in the world to increase the circulation of this improper literature ; and I have no doubt but that Mr. Norman Murray will be so cheered and encouraged by the notice taken of him that he will take steps to have a further importation of these villainous books. I quite agree with the hon. gentleman in thinking that this book is a vile one and that it comes under the provisions of the criminal law. Section 179 of the code says :—

> Everyone is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse, publishes, sells or exposes for public sale or public view any obscene book or other printed or written matter or any picture, photograph, model or other object tending to corrupt morals.

And section 100 says :

> Anyone is guilty of an indictable offence and liable to two years imprisonment who imports for transmission any obscene or immoral book.

I cannot help feeling that the officers of the Customs Department—I presume the Controller of Customs is ultimately responsible—have failed in their duty in allowing this book, which as the hon. gentleman points out undoubtedly comes under the category of an obscene book—one which would corrupt morals—to go into circulation. When the officer saw the book he should have prevented its circulation. That is very true ; but the hon. gentleman by calling attention to the matter in this public way and going into details and reading Norman Murray's views on religious matters, is simply giving publicity to this work and to Mr. Murray's views. It will lead, probably, to a good deal of discussion and give a great deal more publicity to those objectionable books and views than they would otherwise have had. For that reason I regret that the hon. gentleman should have discussed the matter at such length. I think it would have been quite sufficient to call attention to the fact that there had been either a deliberate neglect of duty in the Customs department, or that a serious mistake had been made.

Hon. Sir MACKENZIE BOWELL—I should not have said anything but for the reflections cast upon the customs officials, by the Senator from Halifax, who are charged with not having done their duty. It might be regarded as presumption on my part to say that I disagree with the hon. member as to the application of the two clauses which he has read from the code, and I wish it to be distinctly understood that I am only speaking of the duty of a customs official who is administering the law upon the statute-book. If a book, no matter what its character, can be imported into Canada legally, when published in Latin, or Greek, or Hebrew, there is no power under the law to prevent its being imported into Canada, though printed in what my hon. friend calls the vulgar tongue—the English language. If the work is admissible in one language, it is equally admissible in another. I repeat I am not speaking of the merits or demerits of any book. You cannot, in administering the law, draw a distinction between a book that is imported for ecclesiastical purposes or for the use of any special profession, and a book imported by other persons who are not professional men. You cannot say that the importer had not the same right to import the book provided he pays the duty. I see the distinction which the hon. gentleman draws ; but there is one point to which I will allude in reference to that matter. I am not able to speak positively about this book, not having seen it and not knowing its character, but while I was administering the Customs Department there were one or two books imported which were extracts from the works of Voltaire and Tom Paine. Now, you will find Voltaire and Tom Paine in almost every library in the country, taken in their entirety, and unquestionably under the law no judge would declare that those books should not be imported by any person ; but it is a very different matter to make selections from them, as was the case in the two books to which I am now referring, of the most objectionable character, and which no man having any regard for himself or his family would permit them to read. Those books I seized and confiscated. The question arose at that time as to whether I had done that which was within the law. Some lawyers in Toronto, whose names I might mention, who stand at the head of the profession, in an interview with me said that I was not acting within the law. My answer to that was, "I care not whether in your opinion I am

within the law; I believe it to be so, and if you desire to test this before any jury of twelve honest Canadians, I am quite sure you will lose your case," and it there ended. What the character of this book is I do not know; whether it contains selections from the work which my hon. friend said in his opening remarks was not a bad book, but a good and precious book when its use is confined to certain parties, then I do not know what opinion I might give; but in defence of the Controller of Customs, and speaking from the answer which he placed in my hands, I say he had no alternative but to give them up. He says that under a certain section of the Act his commissioner made a report, after obtaining legal opinion, I presume, from the the law officers of the crown, and if they said it did not come within the category of indecent and immoral books, then he was quite right, as an administrator of the law, in releasing the seizure. I quite agree with my hon. friend as to the impropriety of the introduction to the general reader of books of that character, but we must consider the distinction between what we conceive to be in the general interests of the community and of the general reader, and the law as it stands on the statute book. It is a very serious question, one affecting the feelings of every parent in the country, that the circulation of such literature should be stopped as far as possible, but the Controller of Customs is not deserving of the censure which has been thrown upon him, because acted in accordance, as I am informed, within the decision of the law officers of the crown.

Hon. Mr. MASSON—Does not the hon. gentleman think the case important enough and the book sufficiently odious to justify the government in having the question tested? Because it will have to be tested some of these days. If there are differences of opinion they can be solved in that way.

Hon. Sir MACKENZIE BOWELL—Never having seen the book, I am unable to give an opinion.

Hon. Mr. MASSON—The officers of the department must have seen it. There was an order stopping the book, and there is the order cancelling that warning, and there must have been some reflection.

Hon. Mr. BELLEROSE—I only desire to be satisfied that I have done my duty. Notwithstanding the observations made by the hon. gentleman from Lunenburg and the hon. gentleman from Halifax, I must say that I still believe that I have done right, and that they are wrong. There is no use in concealing those facts. I am in duty bound to take exception to bad books being allowed to be put in circulation, and since the Premier himself has discovered that there were different opinions as to the interpretations of this section 179 of the schedule, it is his duty to have this question settled, to have an amendment to the law to prevent the circulation of immoral books such as those I have named. It is for the Premier, now that we are in session, to explain this clause so that the Controller of Customs in the future may know the difference between a bad book and a good one. If the law is of any value then we should not allow bad books to enter the Dominion. If I become aware at any time that such books have been admitted, I shall raise my voice in this House and complain, whatever may be the consequences, and prevent as far as I can the mischief which follows the sale of such books.

## HALIFAX AND JAMAICA STEAMBOAT SERVICE.

INQUIRY.

Hon. Mr. DEVER inquired of the Government—

If it is their intention to comply with the desire of the merchants of St. John, New Brunswick, as expressed by a resolution of the Council of the Board of Trade of that city, that any arrangement which may be made by the government, with any party or parties, for a steamboat service between the City of Halifax and the Island of Jamaica; and also between the City of Halifax and the Islands of Porto Rico and Hayti, that the port of St. John, as well as that of Halifax, be included in said service, on the outward as well as the inward voyages of said steamers to said islands?

He said:—The question which I have the honour to present to the House is one of more importance to the people of the provinces and the cities by the sea than possibly to the people of Canada generally; but as a good deal of our time has been spent to-day in listening to a lengthy discourse, I feel that at this late hour I must not allow myself to go into what I can see might verge into a general trade discussion in this House. I would not be in the position to-day of a suppliant, or

applying for a subsidy on behalf of the cities of Halifax and St. John, N.B., to keep up a trade with the West Indies, if we were in that position that we occupied some years ago. If our trade were free and unembarrassed and our ships and steamers could secure freight in paying quantities it would not be necessary at all to apply to the government for a subsidy; but under the circumstances, we feel, inasmuch as certain portions of the fiscal policy of Canada are against this trade, that we cannot keep up a steady line of steamers or vessels of any class without asking for a subsidy. I might point out to the Premier—and I do it, not with a desire to raise a question that might be offensive—that there are three articles of staple goods that we naturally and necessarily import by those steamers—sugar, molasses in great quantities, and spirits of various kinds.

Now, it is a fact known to gentlemen in the trade that the latter article of merchandise cannot be imported at all. And why? Because it is by the existing arrangement of our policy that the spirit trade is carried on in Upper Canada. The whisky trade for the last four years got from the people of Canada no less a sum than $7,000,000 over and above what we would have to pay in case we imported the same quantity and strength of spirit from abroad. Under these circumstances, it is an utter impossibility with the present arrangement of trade, to get a full cargo of merchandise such as I have described. I know it is not a pleasant subject to discuss, because I find it is not popular in Canada. The whisky trade has a monopoly here and wishes to retain it. They have retained it during the last four years at an expense of over $7,000,000 to the people of Canada. We have taken for consumption, according to the report of the Inland Revenue Department, 11,000,000 gallons of spirit, during the last four years, on which we have given a bonus amounting to seven millions of dollars. We cannot afford to go on in this way giving moneys, made out of other sources of trade, to one industry of this kind. It strikes me we cannot do it very long, and I felt it my duty to present this fact to you. I am satisfied that the Premier is willing and anxious to do what is right.

Probably in the past it was impossible that he should go into details of this matter, but when it is presented in this way I believe he will give it consideration and see that fair play is given all round to the several portions of the Dominion, and that the merchants by the sea will not be hampered but will get permission to do business in a less restricted way. The West Indies always took our goods and why should we not get permission to take theirs? They take our hay and beef and butter; they take our cheese, they take our flour, in fact they take our general goods, and it is fair and proper, I hold, that inducement should be held out to them to show that the trade is not all one sided.

Hon. Sir MACKENZIE BOWELL—The answer which I have before me I will give without discussing the different points raised by the hon. gentleman.

Hon. Mr. DEVER—I would have only asked the question if I had supposed the hon. gentleman would have understood the question without an explanation. I know it is not a pleasant subject to deal with.

Hon. Sir MACKENZIE BOWELL—It is not only pleasant to me to hear the explanation, but it is instructive. I want to have the opinion of hon. gentlemen who have large experience in business. It is in that way that we derive information and are able to frame our policy. Hence it is not unpleasant to hear the hon. gentleman discuss the subject. The contract for a service between Halifax and Jamaica was entered into before the resolution referred to was received by the government, but in the event of a second service being undertaken, council should take power to compel the vessels to call at both ports. The hon. gentleman is aware that in the past, steamers which have been running between the West Indies and some of the Spanish Antilles and Canada, have been obliged to call at both ports, and this is the case with other lines. Difficulties present themselves, in entering into contracts of this character, in compelling vessels to go to certain ports when they can obtain full freights more conveniently at others. I will not enter into a discussion on the point raised by the hon. gentleman, because I did not hear him sufficiently well to form a correct opinion, but if I did hear him aright he objects to any restriction or restraint upon trade generally.

Hon. Mr. BOULTON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I would remind my hon. friend from Marquette that if there were not some restriction, the whole of the sugar trade and the tea trade would go through the United States instead of by Halifax and St. John as it does at present, and hence in carrying out our policy, to which the hon. gentleman from Marquette will of course object, we will endeavour, if it is possible to do so by legislation, to force the trade from the West Indies and the Antilles to our own ports. We will continue to do so until some other party gets control of the destinies of this country, when I think they will destroy the whole of it and reach that elysium which my hon. friend from Marquette desires, when all of us will become poorer than we are now and have much cause for regret. I thank the hon. gentleman from St. John for having called my attention to the subject and I can assure him that it will not be forgotten.

Hon. Mr. DEVER. I do not feel satisfied that the Premier should misconceive my position, as he certainly has, if I am to judge by some of the words he has uttered, I did not say that I was opposed to restrictions generally on trade, but I said there was a restriction on one particular article coming from the West Indies, that is spirits—there is a restriction of 62½ cents a proof gallon upon it, and consequently we cannot import it. Now I hold that that is too much, because it has given the manufacturer in Canada the benefit of $7,000,000 in the past four years. The people have paid that much more for a spirit of an inferior character than they would have had to pay for a similar quantity of a better article that they could import. The manufacturers of spirits in this country have over 100 per cent protection, and consequently the other spirits are excluded and our ships have to come empty, and we have to ask for a subsidy to make up for our loss of freight. That is the position we are in and the one that I take.

Hon. Sir MACKENZIE BOWELL. I have to apologize to the hon. gentleman. I did misunderstand him. I now understand him thoroughly—that he wants the difference between the customs and excise reduced so as to enable us to import rum from the West Indies, by that means collecting through the customs the revenue which we now get from excise.

Hon. Mr. BOULTON—I cannot allow the few remarks which have been dropped by our leader to pass without comment. He made the statement that it was necessary to adopt this policy in order that the sugar and teas which we use in this country should not be imported through the United States. I should like to draw the hon. gentleman's attention to the fact that the flour which goes from Ontario and western points to the Maritime Provinces is sent via Boston and also to the fact that all our wheat shipped from the Nort-west Territories to Great Britain goes via New York.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. BOULTON—Well very nearly all. I have asked for the figures and they have not come down. I draw attention to these facts to show the beautiful manner in which our trade is regulated by protection, and how it fails to accomplish what we desire to obtain.

Hon. Sir MACKENZIE BOWELL—That is because we have not gone far enough.

Hon. Mr. BOULTON—Perhaps the hon. gentleman contemplates adopting McKinleyism, but I should think that my hon. friend possesses too much common sense to do anything of the kind. There are 40 carloads of metallic roofing and sheeting going up for elevators about to be constructed in Manitoba and the North-west, and instead of being carried through Canadian channels they are going by way of Duluth and the Northern Pacific. What I want is to have all trade kept in Canadian channels instead of having it diverted to United States channels. A change in our navigation laws and commercial policy will accomplish that result.

## BILLS INTRODUCED.

Bill (71) "An Act to incorporate the Camp Harmony Angling Club."—(Hon. Mr. Kirchhoffer).

Bill (56) "An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited."—(Hon. Mr. Power).

Bill (58) "An Act respecting the Red Mountain Railway Company."—(Hon. Mr. Macdonald, B.C.)

## BICYCLES ON PARLIAMENT SQUARE.

Hon. Mr. CLEMOW—Before the orders of the day are called, I wish to direct the attention of the Senators to a matter which should not be overlooked. My friend, the hon. member from Quinté, after leaving the Chamber last evening, was met by a bicycle and almost knocked down. Some arrangement should be made by which these bicycles should either be excluded from the grounds, or the riders should be required to ring a bell to give notice of their approach. Mr. Read had a narrow escape from a dangerous accident.

Hon. Mr. READ (Quinté)—I was leaving the House and caught sight of a young man on a bicycle approaching me. I thought he would run me down, but he sheered off, and I was very lucky that I am not in bed today with broken legs or something worse. It was a very narrow escape. I remonstrated with the young man, but he was very saucy, and said he did not strike me. I think he was a poor rider, but he sheered as he came to me and merely touched me. Fortunately I was not hurt. While Parliament square may be a proper place for bicycles, there should be some regulation by which they should either have bells or other means of warning people.

Hon. Mr. ALMON—We are under an obligation to the hon. gentleman from Rideau division for bringing this matter up. I have often felt that members whose eyesight is not good, are in danger of being run down by bicycles. Something ought to be done to prevent the nuisance.

Hon. Mr. READ—I hope the hon. gentleman does not think that my eyesight was defective.

Hon. Mr. REESOR—Even if my hon. friend's eyesight was very good it is no reason why he should not be protected from such dangers as that. Most elderly persons may have poor sight. The experience in Toronto is that nearly as many persons have been injured by bicycles as by the new electric street cars, and the number of street car accidents has been enormous. It is not too soon to make a complaint of this sort, and the hon. gentleman is quite right in bringing it up to prevent parties running their bicycles about the grounds of the buildings, unless they can find some line or portion of the road upon which people are not walking. We may wait until some serious accident has occurred, but that is not the right way. We should not wait to lock the stable until after the steed has been stolen. We should prevent these things. Putting bells on bicycles is not altogether sufficient. Only last week a bright little girl, the only daughter of a respectable family in Toronto, was killed by a bicycle, although the rider rang his bell and thought it was sufficient. It tended to disconcert or confuse the child and she was run over and killed. Scarcely a week passes without some accident occurring from bicycles. In Toronto now the authorities will not allow bicycles to run on the sidewalk, but even with this regulation, people who are just learning to use their bicycles, and think they are doing a great thing, run against parties before they can sheer off. There is no harm in bringing these matters before the public and adopting precautions to diminish the danger of accidents occuring.

The SPEAKER—Although I am a young man, I had a pretty narrow escape the other day from a bicycle, and I believe that parliament square is not a right place for bicycle riding. At least the front of the building should be protected against them. If they were to use the road which runs round all the buildings, probably we might escape them, but when they cross here in front of the parliament buildings it is very dangerous. The bell system would not do at all, because in that case hon. members would have to fly when they hear the bell. Well some of us, perhaps, would not like it very much or perhaps could not do it very well, so that if bells are to be used at all, the senators should ring them and not the bicycle riders. It would be better to do away with the bell altogether and prevent bicycles passing in front of the building, because it is very dangerous.

Hon. Mr. ANGERS—I shall draw the attention of the Minister of Public Works to this matter. There is only one possi-

ble cure which would be complete and that would be to prevent bicycles coming on the ground at all. How popular that would be in the city I do not know. Or some regulation might be made that they should only use the outside roads of the grounds and not cross in front of the building. I leave the matter to the discretion of the Minister of Public Works who will deal with it probably to the satisfaction of this House.

Hon. Mr. REESOR—There is a portion of the ground where ladies and children often come up for the sake of the fresh air, and I think very properly so, and it is for the protection of such, especially that bicycles should be kept off what you would call the pleasure portion of the grounds.

## THE COPYRIGHT LAW.

### INQUIRY.

Hon. Mr. BOULTON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid befere the Senate, a return of the correspondence in regard to international copyright during the past year.

He said :—I might, in order to give larger scope to a discussion of this kind, have brought in a motion ; but my object is never for the purpose of embarrassing our government, but rather for the purpose of giving such views as I think are necessary to give from certain standpoints, or, in other words, arguing a brief from the other side ; and, therefore, I put my question in this way, and I have no doubt it will lead to a sufficiently large discussion, in order that the true merits of the case may be brought out. Hon. gentlemen will understand that this question of copyrights has been an object of discussion—nay, even an object of conflict—with the Imperial Government for the past five years, ever since the Act of 1889 was passed, and that it has been the subject-matter of a great deal of correspondence between the Imperial Government and the Canadian Government in regard to copyright. The position in which it stands is this : we passed the Act of 1889, and the Imperial Government thought that the royal assent to that Act should be withheld until it was brought into harmony with the Imperial Act with regard to copyrights. The Copyright Act that we are working under to-day is the Copyright Act of 1887. That Act was passed subsequent to the international convention that was held among the nations of Europe for the purpose of procuring an international copyright. I should like to read to you what the international copyright is. There are two International Copyright Acts. One relates to the authorship of books, music, paintings, photographs, etc., and the other relates to industrial trade marks and designs. The object of both these conventions is to give an international character to the protection of works by individuals so that the nations generally will respect the inherent right to the possession by the author or designor or patentee of anything that has been the creation of his own brain, just as much right of possession to the ownership as a man would have to his horse or his bushels of wheat or machinery or anything which is the product of his labour. In the United States this question of copyright had been ignored until the Copyright Act of 1888 (amended in 1891 in its present form) was passed ; in the United States there was there what was generally known as a system of piracy, that is to say that no foreign author was protected in the United States or could take out a copyright which would protect him in the United States, but the individual publishers of that country were at liberty to pirate any work brought out by foreign authors and use them as they thought fit. This was reversed, as I say, by the people of the United States in 1891 and the Copyright Act was passed there which although not to the full extent granted in Great Britain, still gives copyright to foreign authors. The question of international copyright has been a matter of great discussion for many years. The first move that I see was made in regard to it, was in 1837, when Henry Clay presented to the Senate of the United States a petition from British authors asking for copyright privileges in that country. It was referred to a select committee, consisting of Clay, Webster, Buchanan, Preston and Ewing. The report took high ground in favour of the rights of authors. It said :

That authors and inventors have, according to the practice among civilized nations, a property in the respective productions of their genius, is incontestable ; and that this property should be protected as effectually as any other property is by

law follows as a legitimate consequence. Authors and inventors are among the greatest benefactors of mankind. . . . It being established that literary property is entitled to legal protection, it results that this protection ought to be afforded wherever the property is situated. . . . We should be all shocked if the law tolerated the least invasion of the rights of property, in the case of merchandise, whilst those that justly belong to the works of authors are exposed to daily violation, without the possibility of their invoking the aid of the laws.

No action was taken on this report, nor on an invitation extended by Lord Palmerston the succeeding year, 1838, for the co-operation of the American Government in an international copyright arrangement.

That is the view taken by those celebrated men so long as '37, and those views were pressed from time to time by the authors and publishers in the United States. I quote the poet Longfellow's sentiments, copied from a letter to a friend:

Whatever is just is for the benefit of all; and I wish we could have a law providing, between England and America, that a copyright taken out in either country shall be equally valid in both.

Yours very truly,

HENRY W. LONGFELLOW.

October 8th, 1878.

I would also like to show the tenor of Mr. Lowell's mind when this question was up for discussion in the United States. He penned these few lines, which express his moral view of the past action of his own government in regard to copyright and its legalized piracy:

In vain we call all notions fudge,
And bend our conscience to our dealing,
The ten commandments will not budge,
And stealing will continue stealing.

Again Mr. Lowell says:—

There is one thing better than a cheap book, and that is a book honestly come by.

These are the impressions Mr. Lowell wished to convey to the public generally as to the action of the people and the government of the United States for permitting literary piracy which had been carried down so late as 1888, and when an effort was being made to bring about an international copyright and not only to bring about international copyrights, but to include the government of the United States, and the people of the United States in the Berne Convention, which was adopted at a convention held in 1886 on international copyrights. Now, the position that our government has assumed on this question ever since the Act of 1889 was passed is very similar in its character to that which the people of the United States have just abandoned. When I discuss this question it is not out of any disrespect to our late lamented leader, Sir John Thompson, who gave expression to some very able views upon the subject in 1890, and again in 1892, and again, I believe, in 1894, which is the correspondence I am asking the leader of the government to bring down. But the late leader, Sir John Thompson, was arguing the question from the standpoint of some publishers who were pressing it, and while I desire to present the case from the standpoint of the authors, I only disagree with the position Sir John Thompson took in the case just as I would disagree with any hon. member if he were advocating protection and I was advocating free trade. I say that to show that it is not out of any disrespect to his memory or to the able manner in which he brought the facts before the Imperial Government in pressing upon them the necessity for the Canadian Government and people to assert their right of copyright legislation and to deal with it just as they saw fit whether it was piracy or not piracy. In 1884 there was an international convention for trade marks and designs in regard to fine arts. That was a convention by which certain nations agreed with one another to have international rights respected in regard to these marks and designs, which secured for them in one country the same protection that was accorded for them in their own country, and which was made applicable in all countries included in this convention. I will read you the convention in regard to the trade marks and designs. It is as follows:—

International Convention between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, Netherlands, Portugal, Salvador, Servia, and Switzerland, for the protection of Industrial Property. Signed at Paris, March 20, 1883.

Ratifications exchanged at Paris, June 6, 1884.

INTERNATIONAL CONFERENCE.

*Article I.*

(Translation).

The Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland constitute themselves into a union for the protection o industrial property.

*Article II.*

The subjects or citizens or each of the contracting states shall, in all the other states of the union, as regards patents, industrial designs or models, trade marks and trade names, enjoy the advantages that their respective laws grant, or shall hereafter grant, to their own subjects or citizens.

Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each state.

*Article III.*

Subjects or citizens of states not forming part of the union, who are domiciled or have industrial or commercial establishments in the territory of any of the states of the union, shall be assimilated to the subjects or citizens of the contracting states.

*Article IV.*

Any person who has duly applied for a patent, industrial design or model, or trade-mark in one of the contracting states shall enjoy, as regards registration in the other states, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

Consequently, subsequent registration in any of the other states of the union before expiry of these periods shall not be invalidated through any acts accomplished in the interval, either, for instance, by another registration, by publication of the invention, or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade-mark.

The above mentioned terms of priority shall be six months for patents, and three months for industrial designs and models and trade-marks. A month longer is allowed for countries beyond sea.

*Article V.*

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the states of the union shall not entail forfeiture.

Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects.

*Article VI.*

Every trade mark duly registered in the country of origin shall be admitted for registration, and protected in the form originally registered in all the other countries of the union.

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the union, the country to which the applicant belongs shall be deemed the country of origin.

Registration may be refused if the object for which it is solicited is considered contrary to morality or public order.

And I wish to draw attention to the fact that the Imperial Government came under that convention in 1884 in which it says:

The undersigned, Ambassador Extraordinary and Plenipotentiary to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to the French Republic, declares that Her Britannic Majesty, having had the international convention for the protection of industrial property, concluded at Paris on the 20th March, 1883, and the protocol relating thereto, signed on the same date, laid before her, and availing herself of the right reserved by Article XVI. of that convention to states not parties to the original convention, accedes, on behalf of the United Kingdom of Great Britain and Ireland to the said international convention for the protection of industrial property, and to the said protocol, which are to be considered as inserted word for word in the present declaration, and formally engages as far as regards the President of the French Republic and the other high contracting parties, to co-operate on her part in the execution of the stipulations contained in the convention and protocol aforesaid.

The undersigned makes this declaration on the part of Her Britannic Majesty with the express understanding that power is reserved to Her Britannic Majesty to accede to the convention on behalf of the Isle of Man and the Channel Islands, and any of Her Majesty's possessions, on due notice to that effect being given through Her Majesty's Government.

In witness whereof the undersigned, duly authorized, has signed the present declaration of accession, and has affixed thereto the seal of his arms.

Done at Paris on the 17th Day of March, 1884.

(L.S.) (Signed) LYONS.

That is the convention in regard to industrial property. The Imperial Government in joining that convention, joined it on the terms that Her Majesty's possessions should have the full benefit of that international convention in regard to that important branch, when they desired to avail themselves of it, but I believe we have hitherto not availed ourselves of it. We have kept ourselves outside of the pale of that convention so that there is no copyright or no protection that that convention gives within the bounds of Canadian territory to foreign industrial designs, nor protection to Canadian industrial designs in other nations. As I said before, it was felt that an international copyright was essential for the well-being of authorship and for the well-being and protection of authors, and painters, and sculptors of all kinds, and there was a convention called the Berne Convention, assembled in 1886, upon the invitation of the little republic of Switzerland, and this is a portion of the articles which governed its deliberations:

*Article I.*

The contracting countries are constituted into a union for the protection of the rights of authors in literary and artistic works.

*Article II.*

Authors of any of the contracting countries shall in all the other countries of the union enjoy for their works whether manuscript or unedited or published in one of those countries, the advantages which the respective laws actually accord or shall hereafter accord to natives.

These advantages shall, however be secured to them reciprocally only for the period of existence of their rights in their country of origin.

This enjoyment is subject to the fulfilment of the formalities and conditions prescribed by the law of the country to which the author belongs.

*Article III.*

The stipulations of article II. apply equally to the publishers of literary or artistic works published in one of the countries of the union.

*Article IV.*

The expression "literary and artistic works," comprises books, pamphlets or all other writings, dramatic or dramatico-musical works, musical compositions with or without words; works of design, painting, sculpture and engraving; lithographs, illustrations and geographical charts; plans, sketches and plastic works relative to geography, topography, architecture or science in general, in fine all productions whatever in the domain of literature, science or art which may be published by any method of impression or reproduction.

*Article V.*

The legal assigns or representatives of authors or in the case provided by Article III. publishers shall enjoy in every respect the same right as those accorded by the present convention to authors or publishers themselves.

*Article XIII.*

Every pirated work may be seized on importation into those countries of the union where the original work has the right of legal protection. The seizure shall take place either at the request of the public ministry or of the party interested conformable to the domestic legislation of each country.

*Article XVI.*

It is understood that the governments of the countries of the union reserve to themselves respectively the right to make separate arrangements between themselves in so far as these arrangements shall confer upon authors or their representatives more extensive rights than those accorded by the union or shall include other stipulations not opposed to the present convention.

There are 21 articles altogether.

Conference recommended copyright should last for life and for a period after death not less than 30 years.

Now, hon. gentlemen, that is what is called the World's Convention of International Copyright, and that gives an equal right to authors and sculptors and painters or workers in the fine arts of all kinds within the bounds of one nation, to be extended to all those nations that come under the Berne Convention, and the policy that we have been pursuing with regard to these matters is to keep ourselves outside the pale of that convention. Also, of course, when the convention was formed in 1886, and when the British Government became part and parcel of the international copyright or of the Berne Convention, it included all the British dominions, and when the Canadian Government passed the Act of 1889 we then and there demanded that we should not be included in the international convention, that we should have a right to put the Act of 1889 into force and that we should not be tied down. The Imperial Government, as I said before, through the Governor General, exercised his prerogative and withheld his assent, and by that Act to-day we are working under the Act of 1887 and are subject to and have the benefit of all the conditions of the Berne Convention which was passed in 1886. Now, hon. gentlemen, I would like to draw your attention to the Act of 1887. The Act of 1887 is the Act we are working under, and it says:

The condition of obtaining such copyright shall be that the said literary, scientific or artistic works shall be published or reprinted and republished in Canada, or in the case of works of art that they shall be produced or reproduced in Canada whether they are so published or reproduced for the first time, or contemporaneously with or subsequently to publication or production elsewhere; but in no case shall the said sole and exclusive right and liberty in Canada continue to exist after it has expired elsewhere.

2. No immoral, licentious, irreligious, or treasonable or seditious literary, scientific or artistic work, shall be the legitimate subject of such registration or copyright. 38 V., c. 88, s. 4, part.

Every work of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada, under any Act of the Parliament of Canada, or of the legislature of the late province of Canada, or of the legislature of any of the provinces forming part of Canada, shall, when printed and published, or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of any such work lawfully printed there.

2. If any such copyright work is reprinted subsequently to its publication in the United Kingdom any person who has, previously to the date of entry of such work upon the registers of copyright imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of

proof establishing the extent and regularity of the transaction shall, in each case, be upon such persons. 38 V. c., 88, s. 15.

Upon what grounds has that assent been withheld? The Imperial Government says in effect: "We do not desire to interfere with the Canadian Government in their mode of dealing with their own authors as they see fit. They can pass any copyright to restrict or tie down or confine their own authors within any bounds they choose, but when it comes to passing an act that is going to legalize the piracy of British authors' works, then we think we are justified in stepping in and saying as a part of the British dominions, and as a part of the British Empire, is it right for you to pass that Act which is an Act of piracy against British authors. We feel in justice to imperial interests that it is right to withhold our consent until you have given that deliberation and thought, and until it has been forced upon the attention of the Canadian people the full extent of the Act they are passing, and the injury it is going to inflict does inflict upon British authors and other authors who are included in the Berne Convention." That is the position the Imperial government takes, and I say it is a fair position for them to take. The Governor General has been refusing his assent until the question is brought up for discussion before the Canadian people, and all sides of it may be heard, and it is with a view to presenting the Canadian authors' position in regard to this matter that I am now discussing the question. I wish to point out the difference between the Act of 1887 and 1889. There was no objection taken to the act of 1887 because it permitted English copyright to stand in Canada unless the work was published in Canada and a copyright taken out in Canada. When the copyright was taken out in Canada, then it came under the Canadian Copyright Act; but before any Canadian copyright was taken out in Canada, then the British author was protected by this Act in consequence of no copyrights having been applied for or taken out. It places the foreign author in Canada under the Act of 1887. Under that Act there was no objection offered by the British Government. But certain publishers in Canada who got the ear of the government desired that they might have the right to publish the works of foreign and British and American authors without regard to any bargain they may make with them at all; and the Act of 1889 changed the Act of 1887 in so far as that no works were protected for copyright in Canada for British authors, American authors, or foreign authors of any kind, unless they published, printed, and manufactured the books in Canada in one month after it had been brought out in Great Britain or elsewhere; after it had been brought out in England, it was absolutely necessary that it should be brought out in Canada, published, printed and manufactured here in order to give it any protection at all. If the British author failed to apply for copyright under those conditions, which required that they should go to that expense, then there was no protection; then any publisher in Canada had a right to take possession of any work that they chose, and publish it without reference to the author himself. There was a provision made that the government would license, not one author with a copyright, but that they would give a license to every publisher in Canada to publish those works just as they saw fit upon payment of 10 per cent of the cost to the English author, if copyrighted, or 12½ per cent if licensed.

Hon. Mr. KAULBACH—Provided the British author did not print and publish it in Canada within a certain time.

Hon. Mr. BOULTON—Yes, the penalty put upon the British author was that he should print and publish the work in Canada within one month after it was published elsewhere. If he did not go to that expense, then there was no protection afforded to the British author, and the Act of 1889 is designed to show a spirit of fairness by saying that when a license is granted to a publisher in Canada to take possession of a British author's works without his consent, the licensee should pay ten per cent on the value of the work to the author; and at the time the act was passed, I believe it was upon the statute-book that the Canadian Government would collect the 12½ per cent through the custom-house. Now, I believe that protection, so far as the custom-house is concerned, has been withdrawn, and that that protection is no longer in existence, so far as the government becoming responsible for the collection of the 10 or 12½ per cent; therefore there is absolutely no protection to the British author in regard to the matter.

Supposing that one of our one cent newspapers of Canada takes possession of a popular work and publishes it, he calculates, or computes what the 12½ per cent of the value of the work is. I say that it is a most unfair way of dealing with the author to say, "We will fix the remuneration and let you whistle for it to the best of your ability."

Hon. Sir MACKENZIE BOWELL—The hon. gentleman wants us to be denied the rights which our neighbours possess and compel us to pay it to the Americans.

Hon. Mr. BOULTON—That is just exactly the question I am going to discuss. I am going to show a great deal more profit will accrue to the publishers and labour employed in Canada than by the policy we propose to pursue at the present moment. We are not leaving the individual to run risks as to the piracy of works, but we seek to legalize that piracy of the authors of our British dominions when we receive the protection of that large field of authors which is now being denied to British authors on Canadian soil; but what I want to point out is that there is no protection to the British author in the clause that gives 12½ per cent commission to any licensee, that there is no way in which a British author could come over here and bother about collecting it; that during a period of 10 years while that Act was in force, and while the Canadian Government became responsible for that 12½ per cent, there was only $5,000 collected upon copyright; so that it shows that even when the protection was afforded by the Canadian Government becoming responsible for all this, there was only that amount of $5,000 collected during a period of ten years. Now, hon. gentlemen, is it wise for us to continue, to legislate under such a condition as that? I am now purely speaking from the standpoint of honest statesmanship. Is it right that we as a government should so frame our Act that we are going to rob our fellow subjects in Great Britain of the just right of their brain which is accorded by almost every intelligent nation in Europe as an inherent right to them, and the protection which they are giving and affording to them? We say: "We will not give you that protection; we will pirate your works and give our publishers leave and license to pirate them to any extent they choose subject to the percentage condition."

Hon. Mr. KAULBACH—That was not the effect of the Act of 1889. We say, print and publish your works in Canada. If you refuse, then we claim the right to do so and pay you a percentage.

Hon. Mr. BOULTON—Yes, that is the effect of the Act of 1889; if the British author does not comply with that condition.

Hon. Mr. KAULBACH—Oh, yes, certainly.

Hon. Mr. BOULTON—You impose upon a man an enormous pecuniary penalty for the sake of obtaining Canadian readers, when he has sixty-five million readers in the United States, and sixty-five million readers in British possessions, and here for the sake of three million and a half readers in Canada—or one million and a half French Canadian readers—you are going to impose on the author the expense of publishing that work here to prevent his work being pirated. I say it is too heavy a penalty to place an author under. I do not think it is fair at all.

Hon. Mr. ANGERS—The 10 per cent is the compensation.

Hon. Mr. BOULTON—That is provided the work is copyrighted in Canada. If the English author does not think it worth while to copyright his work here for the three and a half millions in Canada after having published it for the sixty-five millions in the United States, I say you are imposing too heavy a penalty on him.

Hon. Sir MACKENZIE BOWELL—How does that affect the sixty-five millions in the States?

Hon. Mr. BOULTON—The English author pursues this policy: When he has written a work he desires to copyright it. He desires to get that copyright extended, and copyright it in England. It is a condition of the international convention that his protection extends all over the world. The United States have not yet included themselves in the Berne Convention. They have only given up piracy for the last few years. They have not an Act yet to make them part of the Berne Convention; such an Act will, I believe, be passed very soon, but

at present they are not in the Berne Convention.

Hon. Mr. KAULBACH—They can send their books to us while we cannot send ours over into the United States. They hold the monopoly of the Canadian market and are not compelled to print their books in Canada, whilst we, to secure the United States market, are compelled to print and manufacture them in that country.

Hon. Mr. BOULTON—I wish to point out that the English sell the copyright on this continent to a publisher in the United States or Canada. He will sell to the Canadian author just as well as he will to the English author.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. BOULTON—I beg pardon. The Canadian author can out-bid the American author and get possession of that work published in the United States and published in Canada if he choose. That is exactly the position in which it stands. There is nothing in the world to prevent our publishers making a bid for any work of an English author and overbidding the American, and the Canadian publisher by that means can get possession of the copyright on the continent. All he has to do in the United States is to set the type there.

Hon. Mr. ANGERS—The same thing here.

Hon. Mr. BOULTON—No, in Canada it has to be printed, published and manufactured. Type need not be set in Canada. But it is a very different thing putting an author to the expense of printing a work for sixty-five million readers and putting him to the expense of printing for three million readers.

Hon. Mr. KAULBACH—He will not publish himself, in Canada, and won't allow us to publish, but he wants to force us to buy from the United States.

Hon. Mr. BOULTON—I wish to explain to you in what favourable position the Canadian publisher stands; the condition upon which copyright is obtained in the United States to the sixty-five millions readers is that they shall set the type for the work in the United States. They are not required to manufacture or print or publish only so far as two books are concerned. To get the copyright in the United States they have to deposit with the librarian of congress two works that have been printed, published and set up in the United States. Now here is nothing to prevent a Canadian publisher purchasing the copyright from English author, setting up the type in the United States, striking off the plate, bringing the plate into Canada and publishing the whole work for this continent in Canada. There is no law against that. The only condition that is attached to the American copyright is that one condition of setting the type. Then from that type stereotype plates can be struck off. They can be brought into Canada here and the work published in Canada and then distributed over the United States and sold there and that will hold the copyright for this continent.

Hon. Mr. ANGERS—No, you would have to pay duty.

Hon. Mr. BOULTON—Certainly they have to pay duty, but there is no other man can go into competition with you. There is no other publisher in the United States or elsewhere can go into competition with you. Our publisher would have the sole right on this continent to sell that work. I am only showing you that Canadian publishers are not forbidden, and all they have to do is to have the pluck and enterprise in order to take hold of it, and they are quite capable of doing it. But so long as they have the right to publish in Canada without costing anything, and pirating the best works in the United States or Great Britain I do not suppose they ask for anything better than that, and therefore they are quite satisfied to leave the matter in its present position. As I said to a manufacturer "If you were to have free trade in this country you would quadruple your business compared with what you are doing to-day." He says, "I believe that, but I am very well satisfied as it is." That is very much the position the Canadian publisher takes. If they have the right to pirate the popular works and pay nothing for it they are very well satisfied; and that is the position in which we are placing our publishers or rather the copyright association seek to place us. Now, I wish to point out to the hon. leader, because he is a man of sufficient experience in legislation and statesmanship to

know that public approval has to be at the bottom of all safe legislation. I take the census returns just to see exactly the number of printing and publishing offices and I see that there are 589 in Canada that includes newspaper and all; that their working capital altogether amounts to eight million dollars; they employ altogether 7,500 hands. The total amount they paid out in wages was three million and seventy-nine thousand dollars and the total amount paid out for raw material two million nine hundred and ten thousand dollars, and the total value of articles produced according to this return is eight million three hundred and eighteen thousand dollars. Now, how many publishers and individuals are there in the copyright association who are pressing for a change in our laws so far as withdrawing from the Berne Convention and introducing piracy. Only 26, according to a correspondent in the *Mail*, out of 589 publishers in Canada who have taken no action in the matter whatever the copyright association only appear to have brought the attention of the government to the matter and upon which the government has been acting. Now, hon. gentlemen, those printing and publishing establishments have attained those large dimensions without the aid of literary piracy, and I would urge upon the government to pause upon the threshold before they legalize what has been termed an immoral practice in dealing with the rights of those who are at our mercy.

I move the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 5th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## FUR SEAL FISHING IN THE NORTH PACIFIC.

MOTION.

Hon. Mr. MACDONALD (Victoria) rose to

Inquire of the government if the Imperial Government has submitted a draft of the proposed bill in restraint of, or to further regulate "Fur Seal fishing in the North Pacific Ocean," and has the Dominion Government furnished the opinions of experts on this subject, or has it been asked by the Imperial Government to do so? Or, will the government be able to indicate now, wherein the proposed legislation and regulations will differ from that now in operation?

He said: This question is one of importance to the whole Dominion, but more particularly to British Columbia. While I admire British institutions, I have to admit that when the imperial authorities come to arbitrate on colonial affairs, especially in connection with international matters in which the United States Government is concerned, I have no confidence in them, and any imperial legislation relating to this country requires the strictest attention here. I have no doubt that our government have safeguarded the imperial legislation in this case with regard to the taking of fur seals in the Pacific Ocean, and that we shall have a bill based on common sense, an element entirely lacking in the regulations now in force. If these regulations had been framed for the purpose of killing off the seal life in the Pacific, instead of protecting it, they could not have been better adapted for the purpose. The seals begin to move from the southern part of California to the breeding grounds in the north in January. Our vessels leave British Columbia in January and go south to meet the seals. They follow them for four months on their way to Behring Sea, and the seals are killed off while they are with young. Then when the seals reach Behring Sea, the prohibition begins, just when the killing of the seals ought to be allowed to go on. I do not know what the regulations will be, but those which are in force at present are simply absurd.

Hon. Mr. KAULBACH—The sooner the seals are killed off the better for British Columbia and for Canada generally. They are great destroyers of the food fish of the country especially salmon, and for the few skins that our sealers secure, it is not worth while protecting them. I believe it is better to preserve the food fish as far as possible, and let the seals go. The object of the British Government seems to be to protect the seal for the benefit of the United States. The sooner we get our claim for damages settled by the United States, and the seals are killed off, the better for Canada.

Hon. Mr. MACDONALD (B. C.)—How would the hon. gentleman like to have the codfish killed off?

Hon. Mr. KAULBACH—They are food fish; seals are not.

Hon. Sir MACKENZIE BOWELL—The only knowledge the government has of the contents of the measure which has been submitted to the imperial parliament is what they have gleaned from the cable reports that have appeared in the newspapers. Immediately upon reading the cablegram as published, I telegraphed to the High Commissioner to impress upon the Imperial Government not to proceed with a bill of that character until it had been transmitted to the Canadian Government, in order that we might make any comments that we thought necessary upon a question affecting the interests of this country, and himself to send a copy of the bill at the earliest possible moment. It is impossible to say what the intention of the Imperial Government is in reference to this question of the regulations further than this: the law as it stands on the imperial statute books, based upon the award and decision of the Paris arbitration is not such as met the approval of the Canadian Government. Our objection was in the direction indicated by the hon. member from Victoria. We pointed out what we thought was objectionable, and also objected in very strong terms to portions of the regulations which we believe gave to the United States fishermen advantages which could not be enjoyed by Canadians. I will not detail, at the present moment, what they were. Some of these claims have been conceded by the British Government, and we are in hopes that the bill which has been introduced is in the direction of the requirements and wishes and representations of the present government. As soon as we can get any definite information, I shall be glad to lay it before the Senate.

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear of the steps which have been taken by the government in this matter.

Hon. Sir MACKENZIE BOWELL—I might add, for the information of those who are particularly interested in the Pacific coast, that no step has been taken in this matter that has not been very closely watched and scrutinized, and not a moment's time is lost in entering our protest where we think the regulations are adverse to our fisheries.

## THE FALDING DIVORCE BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the third reading of Bill (C) "An Act for the relief of Mary Bradshaw Falding."

Hon. Mr. KAULBACH—The evidence was only brought down, or placed in my hands, last evening about nine o'clock. I have no objection to the bill—I believe this is a case in which the divorce should be granted—but the evidence should be in our hands at least forty-eight hours before we are called upon to deal with the case.

Hon. Mr. CLEMOW—The evidence was in my possession yesterday. I do not understand how it takes so long to print this evidence. The printing committee ought to see that there is greater promptitude in printing the reports.

The motion was agreed to and the bill was read the third time, and passed on a division.

## THE ODELL DIVORCE CASE.

REPORT OF THE COMMITTEE REJECTED.

The Order of the day having been read,

Consideration of the Ninth report of the Standing Committee on Divorce in the matter of Loop Sewell Odell petition.

Hon. Mr. KIRCHHOFFER said: In moving the adoption of this report a few words of explanation might not be out of place in order that this House might be further seized with the position in which the case now presents itself. I should like the House to understand that the case has not yet come before the committee in any way on the merits—only in reference to the legal points which have arisen in connection with it. The petition of Mr. Odell was duly presented. It was found to be in order and was so reported to this House, but when it was brought in, a counter petition was filed by the respondent, who while not admitting any of the allegations contained in the bill, and in fact expressly denying them and reserving to herself all the grounds and rights she has in contesting the bill, still insists

that these proceedings should not now be taken into consideration, because a suit in which the same questions arise is now before the civil courts of this country. It appears that last year Mr. Odell brought an action in the Superior Court for the district of Quebec for a separation, for the custody of the children, and for a settlement of certain rights of property. This case was tried before a single judge, and a verdict was recorded for the plaintiff against the present respondent. Upon this, however, being appealed to the Court of Queen's Bench, which is the highest court in the province of Quebec, the finding of the court below was reversed, and the action was dismissed. Against this judgment Mr. Odell has now appealed to the Supreme Court of Canada. The case has not yet been tried, and I understand it has been postponed to the fall term of the Supreme Court, in which case it will be impossible—at least I hope it will be impossible—that it should be adjudicated upon during the present session of parliament. The respondent alleges that the case will be prejudiced and her rights and interests will be jeopardized by these proceedings being now taken into consideration, because she states, in the event of a divorce being granted the relative positions of the parties to the suit might be materially affected. Upon this counter petition being presented, your committee reported that the petition was correct, and that they had considered this counter petition and reported as follows :

3. Your committee have also carefully considered the petition of the said Marie Louise Laurentine Gregory, the respondent in this matter, presented to your honourable House on Monday, the 29th of April instant, praying that in view of an action *en séparation de corps et de biens* now pending between the said parties and in appeal to the Supreme Court of Canada from the judgment of the Court of Queen's Bench for the province of Quebec, she may not be subjected to a double trial, and that the bill of divorce may not be taken into consideration until such time as the issue raised in the civil courts, now pending in the Supreme Court of Canada, be finally determined.

4. On consideration of the said petition of the respondent and of the certified copy of the judgment of the Court of Queen's Bench for the province of Quebec filed therewith, your committee recommend that further action on the petition of Loop Sewell Odell be deferred until such time as the respective parties have been heard by counsel before your committee and report thereon has been made by your committee.

In accordance with instructions, both parties to the suit were notified to appear before us on a certain day. They did so by their counsel, and the case was very fully and ably argued by Mr. Pelletier, for the respondent, and by Mr. Hogg and Mr. Lemieux for the petitioner, with the result that, as the opinions of these eminent counsels were diametrically opposed to one another, your committee had to give the matter their own most serious consideration and draw their own conclusions on the subject. It was perfectly plain that the questions which were at issue before the courts—that is the custody of the children and the right of property—were such as this House would not take cognizance of. It was equally patent that the remaining portion—that is the petition for divorce—was one which was out of the jurisdiction of the courts, and so far there was no conflict. The only question then was as to whether, in the event of a divorce being granted and the marriage tie being dissolved, the position of the relative parties to the suits in question would be altered to the prejudice of either or of both. Your committee came to the conclusion that they had nothing else to do with the matters outside of those which came before us in their own particular province ; that if they were to allow extraneous matters of this sort to be introduced where parties to a divorce wished to have a postponement, either before or after divorce proceedings were instituted, one or other of them might take action against the other, and then apply for a stay of proceedings here on the ground that certain matters in question were *sub judice*. The opinion of several members of the committee was that, even in the event of a divorce being granted, the proceedings in the courts might be very easily amended so as to meet the altered condition of affairs by the divorce ; and, indeed, I do not see why we ourselves, if we were to make a report recommending a divorce, should not provide that in such an event the relative position of the parties to these suits should not be changed in any event, outside of what we are to decide by our dissolution of the marriage tie if we did so. I hope this explanation has placed the matter clearly before the House.

Hon. Mr. KAULBACH—My hon. friend has fairly laid before the House the position of the case, but he must see that the same ground upon which the action was instituted before the courts, are the grounds on which the divorce is sought here. The

question of adultery is the main question which is yet on trial in the civil courts in the province of Quebec and you are asked virtually here now to sit in appeal and to over-rule the decision of the highest court in Quebec, the Court of Queen's Bench over-ruling five judges, headed by Chief Justice Lacoste, who dismissed the case. It was tried before one judge and the main issue was simply one of adultery; and the trial judge decided in favour of the petitioner, but on appeal the action was dismissed by the court of five judges. Now we are virtually asked to sit as a court of appeal and to over-rule the judgment of the highest tribunal of the province of Quebec. How unreasonable, how unqualified we must see ourselves to be to assume such a position, constituted as we are? I do not see any reason why we should do that. I cannot see that there is any occasion for it. This petitioner, Odell, a wealthy man, makes his choice. He prefers to go to the civil courts of the land instead of coming to Parliament, and the courts have decided against him so far, and he is not satisfied with the decision of the highest court in Quebec but he appeals to the Supreme Court of Canada and puts his wife to all the expense of this litigation (and the expense has been enormous), and while that is yet undetermined, he comes here and asks us to over-rule the judgment of a civil tribunal, the court which he selected to obtain redress. Now, I ask the House in all seriousness whether they will do that—whether a man will have a right to carry on a double action? He has utterly failed in his civil action, and he comes and endeavours to get from the Senate what he has failed, so far, in getting from the courts in the province of Quebec. I think this tribunal is not anxious to be in conflict with the judgment of the civil court. Why not let this litigation go on to a final termination? The expenses have all been met and they are very great. You ask this woman to bring up all her witnesses and try the case *de novo* before us. I think we should not do that. It seems to me to be taking the case out of the hands of the civil tribunal while it is yet pending and to determine it here, and, in fact, to overrule the decision of the highest court in the province of Quebec. I think we should not take that position. This petitioner should do one thing or the other. He should either withdraw that suit from the civil court and go on here or else indemnify his wife—for I suppose she is a comparatively poor woman—for the cost of bringing all those witnesses before the divorce committee. It is a dangerous proceeding to be taken by parliament, which is by no means as qualified and capable as the judges of the Court of Queen's Bench or the Supreme Court of Canada, to which the petitioner, Odell, has now appealed, to try such a question. Of course the court there cannot separate them. They have not the power; but if he succeeds in his action before the civil tribunal, the other, as a matter of course, will follow; but it is merely a question of adultery as it now stands, the highest court in Quebec having decided that the plaintiff has no cause of action, I do not think that we are to sit as a court of appeal to attempt to over-rule their decision. This divorce bill is asked for on the ground of adultery, and the civil suit now pending is based on exactly the same charge.

Hon. Mr. McINNES (B.C.)—As a member of that committee I must differ from the remarks of the last speaker. When the case came up before the committee, as the the hon. mover of this report has said, it was very ably argued by counsel on both sides. The position is simply this: the petitioner applied for a legal separation and the case was tried before a judge of the Superior Court in the Quebec district. Adultery was proven beyond the shadow of a doubt.

Hon. Mr. KAULBACH—No.

Hon. Mr. SCOTT—If the judges' ruling was found to be based upon false premises I do not think the hon. gentleman is justified in saying that. I understand five judges over-ruled the decision of one judge.

Hon. Mr. McINNES (B.C.)—The evidence of her adultery was overwhelming, according to the statements made by counsel for the petitioner and not contradicted by the opposing counsel. She appealed from the decision of that judge to the Court of Queen's Bench in the province of Quebec, by which court it was tried. The decision of the single judge was reversed, not on the ground that she was not guilty of the offence alleged, but simply because the husband had condoned her offences. Upon that verdict being given, the petitioner appealed to the Supreme Court of Canada and the case has not been heard there yet.

Hon. Mr. McMILLAN—If the hon. gentleman will excuse me, I think it is premature to bring a matter of that kind before this House.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMILLAN—I do not think it is fair to the respondent, nor do I think this House will listen to it. Whatever may have taken place in the court at Quebec is a different thing from what may take place here, and it is time enough for us to get that evidence when it is reported from the proper source, but to prejudice the case at this stage is not fair.

Hon. Mr. McINNES (B.C.)—When I was interrupted, I was replying to the remarks that have fallen from the hon. gentleman from Lunenburg. My only reason for referring at the present time to the evidence adduced before the Quebec courts is that the evidence was argued for hours before the committee by able counsel on both sides, and I am endeavouring to show the House why the committee came to the conclusion to recommend the report now under consideration. The counsel also states that the respondent would be put to double expense. The committee gave the respondent to understand, through her counsel, that every dollar of expense that would be incurred by her having to appear here and defend herself, and the cost of bringing her witnesses here, would be borne by the petitioner.

Hon. Mr. KAULBACH—That has been repudiated by the party since then.

Hon. Mr. McINNES (B.C.)—As far as I am aware it has not been repudiated by the petitioner and his counsel.

Hon. Mr. KAULBACH—My hon. friend is in error.

Hon. Mr. McINNES (B. C).—If I am in error, all I have to say is this, that every member of the committee, with the exception of the hon. gentleman from Lunenburg, hold the same views that I do on the question. I know that the majority of that committee will not proceed with the case until an order is made by them that he will supply every dollar necessary to bring her here and to defray her expenses and the expenses of her counsel and witnesses. The position we took was this: That as long as the petitioner complied with all the rules and regulations, it was not for them, a committee of this House, to take cognizance of any other case pending in a lower court. Parliament is the supreme court, and if the petitioner has not a good case, and if he has condoned her offences as the counsel contended, then he will simply not get his divorce. I know that the committee will not for a moment consent to grant him a divorce if he has in any way condoned his wife's offences, and as far as the other case pending in the courts here is concerned, we were given distinctly to understand that it simply involved the custody of the children. The Senate has not for a great number of years interfered in any way as to the custody of children. We have nothing at all to do with that; and consequently I cannot see how the recommendation of the Divorce Committee or even the granting of a divorce, can in any way prejudice the respondents case now before the Supreme Court, or affect injuriously the interests of the children.

Hon. Mr. READ (Quinté)—The question of expense came up in the committee and at once the complainant's counsel stated—and I think the gentleman who was asking for the bill was sitting by—that they would bear all expenses. I have been on that committee all the time since and I have never heard that that offer has been withdrawn. Certainly it has not been withdrawn when the committee has been sitting. As I understand the case, this complainant can prove several cases of adultery against the respondent; but the Court of Queen's Bench held that he had condoned two cases. As I understand, there are several other cases to be brought against her. The other issues are to be tried besides the two cases which the court held he had condoned.

Hon. Mr. POWER—It is a maxim of law that it is the part of a good judge to increase his own jurisdiction, but I do not think that is the feeling of this House; on the contrary, hon. gentlemen in this House have time and again stated their strong opinions that those divorce cases should be taken from the jurisdiction of the Senate and tried in the courts, on the ground that the ordinary tribunals of the country are better able to deal with questions of evidence and

law than was the committee of the Senate. Now, I am surprised to hear some of the very gentlemen who took that ground most strongly advocating that the Senate Committee should act as a sort of Court of Appeal from the highest tribunal in the province of Quebec.

Hon. Mr. McINNES—But they are not applying for a divorce there.

Hon. Mr. POWER—The hon. gentleman says that they are not applying for a divorce. As I understand the case it is just this, that the same evidence which would be required to satisfy this House that the party was entitled to a divorce would be required in the province of Quebec to entitle the party to a *séparation de corps et de biens*. The cases are exactly similar. The Court of Queen's Bench of the province of Quebec—a court composed, I understand, of able judges and presided over by a gentleman whom we all know to be a sound lawyer and a man of ability and integrity, the Hon. Sir Alexandre Lacoste—unanimously decided that the petitioner in this case was not entitled to a *séparation de corps et de biens*, and not entitled to the custody of his children. The petitioner is a rich man, and appeals from that decision to the Supreme Court of Canada; and now this House is asked, at this juncture, to step in and take the question from out of the jurisdiction of the Supreme Court, and to deal with it here. It is a proposition such as has never been made to this House before and one that I do not believe honourable members of this House will entertain. Look at the future. I have the greatest respect for the Committee on Divorce in this House.

Hon. Mr. READ—You never give them a vote.

Hon. Mr. POWER—I have the highest respect for the legal knowledge and ability of the hon. gentleman who is now acting as chairman of that committee. Partly because I have confidence in and respect for the committee, I believe that the committee would ultimately arrive at the same conclusion which the Court of Queen's Bench in Quebec have come to, and then all the time and money expended in connection with the hearing before this tribunal would have been wasted. Why should we do that?

Hon. Mr. McINNES (B.C.)—The petitioner pays for it.

Hon. Mr. POWER—Admitting that he pays for it: why should the time of the committee and the House be taken up with a matter that is now being considered in a tribunal which is much better fitted to deal with it than this House is? Hon. gentlemen speak as though the only question involved were the question of money. Anyone who has been present at a meeting of the Committee on Divorce of this House must feel obliged to dissent from that opinion. The position of the respondent in this case, being examined and cross-examined in the presence of a number of gentlemen, would be a most painful one, and I do not think we are justified in compelling that lady to undergo such torture, when there is no necessity for it. The position of the respondent is quite as bad as the proverbial one of the toad under the harrow. If by declining to go further with this matter now we were closing the door to Mr. Odell for the future, there might be some question about the propriety of our not hearing the case any further now; but it seems to me the ends of justice will be best met in this way; let the proceedings before the Divorce Committee cease, with the understanding that if Mr. Odell succeeds before the ultimate court of appeal, the proceedings can be taken up next session at the same stage at which they stop now. I think that will be a reasonable course and will not involve any needless additional expense to him and it will not involve any unnecessary delay. The husband is separated from his wife now, I presume, and he can bear the separation for a few months more. I hope that the Senate will not establish what I feel will be a very vicious precedent by undertaking to proceed with this case. The proper course is to decide now that we shall go no further, but that the proceedings shall be suspended until the Senate is made aware of the decision of the Supreme Court. The hon. gentleman from Victoria was very emphatic on the point that we were not supposed to know anything about the proceedings which were taken elsewhere. In former years, when we dealt with alimony, or undertook to deal with alimony and the custody of the children—and I fancy it is still the practice—it was quite a common thing under our rules where proceedings had been taken in any

court, that exemplifications of those proceedings should be submitted to this House and referred to the committee to help them in their inquiries. It is absurd to shut our eyes to the fact that this case has gone through the courts of Quebec and is now before the highest court of appeal in Canada.

Hon. Mr. McINNES (B. C.)—There is one explanation I forgot to make. I intended to refer to the Hart case which was before the Senate in 1888. Mrs. Hart applied——

Hon. Mr. KAULBACH—I rise to a question of order. The hon. gentleman has spoken; it is not an explanation of what the hon. member from Halifax has said. If he makes another speech I shall have an opportunity to answer that, with regard to the Hart case.

Hon. Mr. LANDRY—What this report is asking from this House is to settle here a question of civil rights which is now pending in the courts. That is the real issue involved in the adoption of the report.

Hon. Mr. McCALLUM—That is not the question.

Hon. Mr. LANDRY—I will prove that it is the question. What is the question before this House? The petitioner comes here asking that this House shall declare that the tie of marriage is dissolved; then if that is to be the solution, what will be the position of the parties before the other courts? What will Mr. Odell or Mrs. Odell gain by a judgment of the Supreme Court when this House has declared that the tie of marriage is dissolved.

Hon. Mr. McCALLUM—This House will decide that question on evidence and evidence alone.

Hon. Mr. LANDRY—Now it is said that all the rules and regulations have been complied with, and, therefore, that Mr. Odell has a right to come here and seek a divorce. Well there is one thing that we must not forget; public rights must be superior to private rights, and when a matter of public interest, involving the question of civil rights is at issue, I think that public rights must supersede any private rights of Mrs. or Mr. Odell. It has been said that the court below has reversed the judgment, but not on the ground that adultery had not been proved. Well, as a matter of fact, the Court of Queen's Bench in Quebec in reversing the judgment said: "We do not want to ascertain if adultery has been committed or not; we do not want to enter into that matter, but should it be the case that adultery has been proved, there is also the proof that condonation took place. We do not say that adultery has been proved, but even if it has been proved, there is condonation, and for that reason we reverse the judgment." That is not finding that adultery has been proved. As regards custody of the children, that does not come up here at all. Whatever decision the Senate comes to, the children will be given to the parent who is fit to have the custody of them. They may be given to the father to-day, and if the father does not behave well, they may be removed from him later on and given to other relations. That is a separate question altogether and does not come up here for redress; but one thing is evident, and will I suppose impress all the hon. members of this House that in passing a bill of divorce to-day you are changing the position of the parties before the courts, and rendering all appeal from the courts impossible. Some one said that a stay in the proceedings of this House on the ground that there is actually an appeal in the Supreme Court might have this effect in the future; that anyone petitioning for a bill of divorce here may have his case blocked at any time if the respondent takes a suit in the civil courts. In this instance such is not the case; it was not the respondent who took the case in the courts, it is the petitioner himself, it is the same party who addresses himself simultaneously to the courts and to the Senate, so that that objection cannot apply to the facts of the present case. The members of the Divorce Committee will remember that the respondent offered, by her counsel, to come before them provided the petitioner would withdraw his suit from the Supreme Court. What was the answer to that offer? The petitioner refused. He said: "I will accept it provided you sign an undertaking that I shall have the custody of the children." But the question of the custody of the children had nothing to do with this case.

Hon. Mr. READ—It has everything to do with it.

Hon. Mr. LANDRY—No. At the present moment the father has all the children. I think this offer made by the respondent before the Committee on Divorce will show this House that she does not refuse to accept the decision of the committee, but she does not want her position with the other party to be changed by any ruling of this House before the suit is dealt with in the Supreme Court, For this reason I move in amendment :

That the ninth report of the Select Committee on Divorce be not adopted, but that it be referred back to the said committee with instructions to amend it in such a way as to allow the counter petition of the respondent Mary Louise Laurentine Gregory and to stay proceedings pending the proceedings in the Supreme Court of Canada.

Hon. Mr. CLEMOW—This amendment seems to place this body in an inferior position. I hold it is the highest tribunal in the land ; and it is not proper to say that we should wait to hear the decision of some tribunal. The issue to be tried before this committee of the Senate are different It is simply the question of adultery, and this issue cannot be tried in any other court in this country.

Hon. Mr. KAULBACH—Oh, yes.

Hon. Mr. CLEMOW—I mean the question of divorce ; whereas in the other court they have to decide on the other point, as to their civil rights. We do not intend, and never did intend, to interfere with their civil rights. Supposing this goes on and the Senate agree to give this man a divorce, they have the same alternative and the same power of applying to the other courts in Quebec on the other points involved as to the maintenance of the children and some other questions which may arise ; therefore, the two cases are not the same. Now in this case I am told (whether it is true or not I cannot say) that evidence will be brought before the Senate which has never been brought out in the courts of Quebec—evidence of such a character that will incriminate this woman to such an extent that it will be utterly impossible to refuse to grant the divorce. Would it not be more satisfactory to everybody to let this evidence be brought out here, rather than leave the case to be decided by judges who, however eminent they may be, must base their decision on the evidence taken in the court below ? If this case would prejudice in any way the case of the respondent, I should not advocate it, but I cannot see how it will have such an effect. On the contrary, it will have the effect of settling a long standing dispute between the parties. It is all-important that the matter should be decided as soon as possible. The husband says that his wife has committed acts of adultery, and she, in the counter petition, denies the charge to a great extent. He says in reply "I can prove to the satisfaction of the House to the fullest extent that my allegations are true, and that I am entitled to the relief which I ask." If that is the case, will it not be a denial of justice to prevent that person bringing forward evidence which will establish his case before the highest tribunal in the land ? I have the greatest respect for the judges of the province of Quebec, but we know that they are divided in their opinion on the case. Since the trial of the suit other evidence has been discovered which, I claim, should be submitted to this House. In the Hart case, which has been referred to, the court below decided against the petitioner, but the Senate, the highest court in the land, over-ruled that and granted the woman the release which she sought. We ought to be very careful and guard our own rights, and we should not be influenced one way or the other, but, since this power is delegated to the Senate, we ought to fulfil our duties fearlessly and independently. If you want to abolish the court, all right. If you want to prevent divorce altogether, all right, but so long as we have the duty of acting in these matters we should not allow any outside tribunal to interfere with the discharge of that duty, I think the committee have acted judiciously in reporting as they have done. A great deal of time has been lost already, and I hope the House will be prepared to let the evidence be taken. And if it is of the character that the petitioner describes, let the man have his divorce. If it is not, the case will be dismissed and there will be an end to this unfortunate litigation.

Hon. Mr. McCLELAN—I have had some experience on the Divorce Committee, and since I retired from it, I have felt disposed always to give a great deal of weight to the the report which the committee may make, after hearing the evidence presented to them on both sides ; because I am bound to

believe that they have very much better facilities to determine the rights and the wrongs of the parties than the Senate as a body. This is not a motion to grant a divorce ; it is a preliminary report on a difficulty which has arisen with regard to procedure. In discussing all these cases we are sitting here as judges. We are not here to speculate as to the probable evidence that will come before us in the future. We can only take cognizance of what has come before the court already. I do not agree altogether with the remarks made by the senior member from Halifax. His argument seems to be based on the conclusion that the action in the civil courts and the action before the Senate are analogous. The two contests are parallel so far as the facts on which they are founded go, but the results are entirely different. The case before the civil court relates more particularly to the custody of the children while the case before us is an application for an absolute divorce which the civil courts are unable to grant ; and therefore whatever may be the result of the contest in the civil courts, the application for divorce must finally be decided by the Senate. Therefore the contests are different, but I submit when it has been clearly shown by the petition of the respondent that a case is before the highest court of appeal involving the question largely of adultery, and that being the question on which this divorce must finally be decided by the committee, it is scarcely seemly that this matter should be proceeded with now if the effect would be to prejudice, as it possibly might, respondent in the case. We must remember that the plaintiff in the civil courts is the plaintiff here for this devorce. He is the same party, and, therefore, under all the circumstances, as it only involves a matter of delay and the plaintiff is unwilling to drop one or the other case, it appears to me with all deference to the committee, that it would be more seemly and judicious and in the public interest if the consideration of this case were deferred until the decision in the Supreme Court is heard.

Hon. Mr. BOULTON—As a member of the committee I should like to express my views upon the motion that is now before the House. When the case was before the committee, I asked particularly whether, in hearing this evidence, there was anything that was likely to prejudice the case before the civil courts, and I gathered that there was nothing that was likely to take place that would do so. From what my hon. friend from Rideau division has said, I take a different view of the matter. He has stated that evidence is likely to come out before the Divorce Committee that will prejudice the case pending in the civil courts. I do not think the Senate should be made a medium by which the lower courts may be influenced in any decision that is brought before them.

Hon. Mr. McMILLAN—There is no reflection on the committee if we adopt the amendment.

Hon. Mr. BOULTON—There is no reflection on the committee and no injustice to the petitioner. He can come here next year and get his divorce if he is entitled to it. If the object is to divert attention from the case now before the civil courts, I do not think we ought to assist the petitioner in accomplishing that object. It only brings out more vividly the necessity of establishing a divorce court that is more capable of taking hold of these things than the Senate is. Questions affecting legal points should be consigned to legal tribunals. Divorce is decided upon a question of fact, not as a matter of public policy, a light it seems to be frequently regarded in by hon. gentleman.

Hon. Mr. READ (Quinté)—While the civil courts held that two cases of adultery had been condoned, it was stated by counsel for the petitioner, within hearing of the opposite counsel, that other and fresh cases were to be brought before the committee. As I understand it, the Supreme Court will only have the evidence which was given before the court below, and will know nothing about what has taken place since the action was tried. If this misconduct is going on, if there is a continuation of misbehaviour on the part of the complainent's wife, why should it not be brought out?

Hon. Mr. POWER—That is only what the counsel said. That is no evidence.

Hon. Mr. READ (Quinté)—It is no evidence, but that is the statement of counsel. It was publicly stated by petitioner's counsel also that all the expenses would be paid. Of course this is another religious fight.

One is a Roman Catholic and the other is a Protestant, and that is why the report is opposed. (Cries of no, no.)

Hon. Mr. KAULBACH—I am not a Roman Catholic and I oppose the report.

Hon. Mr. READ (Quinté)—I hope there will be some Premier in this country who will have back-bone enough to establish a divorce court for old Canada. There are divorce courts in the other provinces, and why should we not have them in Ontario and Quebec and relieve this House of this class of cases? I hope my hon. friend, the senior member from Halifax, will introduce a bill of that kind if his party should ever be in power. Something was said about this report being a reflection on the court. Do we not know that Mrs. Campbell was refused alimony by the courts and did not Parliament give her alimony? That is a case in which Parliament over-ruled the decision of the courts below.

Hon. Sir MACKENZIE BOWELL—It is not very often that I take part in discussions of these delicate questions, but on all occasions I pay great deference to the reports of the committee, taking care (not from any love I have for that kind of literature) to read the evidence in order to satisfy myself that the reports based on the evidence are such as to justify me in voting for any divorce. But in this case I must confess that my mind runs precisely in the same direction as that of the hon. gentleman from Hopewell. I can see no particular injury that can possibly arise to Mr. Odell by allowing the Supreme Court to decide, while the case is before it, what the rights of the parties are. The Senate has, as my hon. friend from Marquette says, but one duty to perform, and that is to ascertain whether the plaintiff is entitled to a separation from the wife or the wife from the husband. In this case you have one court deciding in one way, and you have another court deciding in another way. It may be, as the hon. member from Quinté has intimated, that fresh evidence can be brought before the committee, but does it not strike all of us as rather an indelicate position in which to place the Senate by stating that the plaintiff intends to prove so and so? The allegations may be true or false, but the House will not record a vote upon what may or may not be established. It is time enough for us to decide that question when the evidence has been taken by the committee and laid before the House. No matter which way the Supreme Court of Canada decides this question, it will, to a greater or less extent, prejudice the other party. If the Supreme Court affirms the decision of the court below, then it will be upon the evidence which is placed before it, that if the woman has committed adultery whether there was condonation. We have nothing before us at the present moment to show whether other acts on her part have been committed which would justify a divorce; it will be time enough to decide that question when the evidence is brought before the House. If I thought it would not prejudice the case before the Supreme Court, I would vote for the report of the committee, but we would be acting very precipitately were we to intervene between these parties who are now in litigation and particularly while the case is *sub judice* before the Supreme Court.

Hon. Mr. MILLER—You do not block the case by the decision.

Hon. Sir MACKENZIE BOWELL—We do not by our action to-day block the case no matter what way it may be decided by the Supreme Court. If the decision of the Court of Queen's Bench of the province of Quebec is proved to be right, and sustains the woman in her contentions, that does not prevent the petitioner from going on afterwards and applying for a divorce upon the further evidence which my hon. friend from Quinté says can be produced, as to which the petitioner would probably prove that there had been no condonation. For myself individually I feel constrained to vote for the amendment.

Hon. Mr. McINNES (B.C.)—When I was called to order I wanted to remind the House of a case which came before us in 1888. Mrs. Hart, who was the petitioner, had applied to the courts of the province of Quebec for a legal separation, the only separation that could be given in that province. The court decided against her, and notwithstanding that, she applied to the Senate for a divorce. I happened to be a member of the Divorce Committee at that time, and the committee reported in favour of granting the divorce and the House passed it.

Hon. Mr. POWER—My hon. friend must remember there was no appeal taken in that case.

Hon. Mr. McINNES (B.C.)—I am aware of that, but if the recommendation of the committee is an act of discourtesy or disrespect to the courts of the province of Quebec in the present instance, was it not a still greater act of disrespect on the part of the Senate to take up a case that had been adjudicated upon by the courts of that province. In this case the petitioner may bring fresh evidence here and establish his case, or he may not; my contention is that as the Parliament of Canada is the highest tribunal in the land, if a case is brought before us in a regular form the committee has no right to know whether a case is pending in the inferior courts or not. If every rule of the Senate has been complied with, I claim that we cannot do otherwise than proceed with the case, and if we find the petitioner has a just and good cause, to report in his favour, and if not, to throw it out. In this case, if adultery cannot be proved, the committee of the Senate will recommend that no divorce be granted, and that ends it, and then it will be in favour of the defendent in her case before the Supreme Court of Canada. This is a case that will work both ways. If the petitioner is successful, it may possibly prejudice her case a little. If he is not successful here then there is no doubt about it that they will throw him out of court although the issues are somewhat diffierent.

Hon. Mr. KAULBACH—The hon. gentleman from Victoria refers to the Hart case. I was on the Divorce Committee when the Hart case was before it; there was no appeal pending in that instance. The case had gone through the courts and judgment had been rendered, and we were obliged to take cognizance of the decisions of the other courts. My hon. friend is in ignorance as to the position in which we stand under the rules of the Senate. That case had been finally decided. We want the same thing done here—let the case be finally decided in the courts, and if the party who looses there has a good case on new matter, arizing since he instituted proceedings in the Superior Court of Quebec, then we can deal with it here. In the Hart case there had been no appeal—it came up on a new petition and fresh evidence. The Hart case was tried on its merits. Let us take the same course here, and then if there is new evidence it can be brought before this tribunal.

Hon Mr. KIRCHHOFFER—I merely rise for the purpose of removing what may possibly be a false impression. As far as I am concerned, and I think I can speak for the other gentlemen on that committee, there has not been any feeling, personal or religious, in the decision at which we have arrived. I wish to say that because the statement has been made, As far as the report of the committee is concerned, if the House chooses to take the case out of our hands, and say that we are not to take it up this session, I shall be very glad. We have had a toilsome session of it, and have been dealing with important and protracted cases. Whatever may be the feeling of this House with regard to the decision of the courts, and whatever influence it may have on the hon. gentlemen themselves, they are quite mistaken if they think that the action of the Senate will have any effect upon the Supreme Court. That court is not waiting to get the opinion of gentlemen in the committee, or in this House, on cases which come before them on appeal, and, therefore, the decision of the House on this report will not affect the case before the Supreme Court.

Hon. Mr. VIDAL—While agreeing fully with the remarks made by the hon. gentleman from Hopewell, I do not agree in the conclusion which he draws from them. The very thoughts which he presented to us have led me to form the opposite conclusion of believing that the report of the committee should be sustained. I have great faith in the committee which has been appointed. They have been very carefully selected, and they represent probably the very best elements of the Senate that could be put on a committee for that purpose. It would, therefore, require very strong evidence that they were mistaken to induce me to disapprove of any report they might make —strong evidence that they have been led astray. Such proof has not been submitted to the House. Many points have been brought up which have no relevancy to the case. The remark has been made here that we might, by our action, jeopardize the rights of the parties in the case now before

the Supreme Court. I regard the question very much as the hon. member from Quinté division does—the two things are so totally distinct that while the divorce can only be granted by the Senate, the custody of the children and the disposition of the property comes exclusively under the jurisdiction of the civil courts. They are totally distinct things. No other court can give the relief which is sought from the Senate in the matter of divorce. It is admitted by all that in settling any case in a court it is desirable that the whole of the truth should be brought out. Is it not put in the oath of every witness that he shall speak not only the truth, but the whole truth? The statement has been made that the only evidence which can be submitted to the Supreme Court is the evidence already taken. The question which they have to decide is not whether this woman has been guilty of adultery, but whether the Court of Queen's Bench of the province of Quebec, gave a proper decision on the evidence submitted to it. It has been very plainly stated, and I have no doubt with truth, that there is a great deal of additional evidence to be brought out, before a right conclusion can be arrived at as to the guilt of the respondent. If so, why should it not be brought out? It cannot be brought out in the Supreme Court and the Senate is the only place where it can be.

Hon. Mr. McMILLAN—They can await the decision of the Supreme Court.

Hon. Mr. VIDAL—Where is the necessity of awaiting the decision of the Supreme Court?

Hon. Mr. LANDRY.—Why did the petitioner go there?

Hon. Mr. VIDAL—Under these circumstances, believing that no injustice would be done, that the civil rights of the parties will in no degree be prejudiced by the action taken by the Senate, and that the Senate is the only court where the question of divorce can be considered and decided, I shall support the recommendation of the committee.

Hon. Mr. PRIMROSE—I have not, though a member of the committee, taken part in the debate on this question. The hon. member from Sarnia has expressed the views which I hold, and which lead me to the conclusion embraced in the report of the committee.

The Senate divided on the amendment which was adopted by the following vote:

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Hon. Messrs.

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| Armand, | McDonald (C.B.), |
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| McCallum, | Reid (Cariboo), |
| McInnes (Victoria), | Sanford, |
| McKay, | Vidal, |
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## THE CHUTE DIVORCE CASE.

BILL INTRODUCED.

Hon. Mr. KIRCHHOFFER moved the adoption of the 12th report of the Standing Committee on Divorce in the matter of Julia Ethel Chute's petition.

The motion was agreed to on a division.

Hon. Mr. CLEMOW introduced Bill (I) "An Act for the relief of Julia Ethel Chute."

The Bill was read the first time.

## SHORE LINE RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. McCLELAN moved the second reading of Bill (H) "An Act respecting the Shore Line Railway Co". He said: This railway runs from St. John to St. Stephens in the province of New Brunswick. It fol-

lows the shore of the Bay of Fundy. It was built a number of years ago and called the Grand Southern Railway ; and subsequently by the action, I think, of the mortgagees, the name of the company was changed in the local statutes, and it is now called the Shore Line Railway Company. This Shore Line Railway Company now ask for legislation in order that they may be recognized as a Dominion road, or come under the jurisdiction of the Dominion, and have the power of extension and connection and to purchase another line of railway, called the Central Road. These are the only points that it is necessary to explain about the bill. It is not a very long one, and I trust that the committee will be able to examine into it when it goes before them.

The motion was agred to and the bill was read the second time.

## ST. JOHN RIVER BRIDGE COMPANY.

SECOND READING.

Hon. Mr. POIRIER moved the second reading of Bill (28) "An Act to incorporate the St. John River Bridge Company." He said : The bridges are to be located on the St. John River above the Grand Falls, between the Grand Falls and Fort Kent, 160 miles up.

Hon. Mr. POWER—In what county ?

Hon. Mr. POIRIER—It stops at the Grand Falls.

Hon. Mr. POWER—Away up the river ?

Hon. Mr. POIRIER—Yes. It is proposed to grant the company the privilege of building four bridges at different intervals, as they are required.

The motion was agreed to.

## SECOND READING.

Bill (57) "An Act to incorporate the Trail Creek and Columbia River Company." —(Mr. MacInnes, Burlington).

## HAMILTON DISTILLERY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACINNES (Burlington) moved the second reading of Bill (38) "An Act to incorporate the Hamilton Distillery Company, Limited."

Hon. Mr. POWER—I rise for the purpose of directing the attention of the hon. gentleman from St. John to the character of this bill. It is an Act to incorporate the Hamilton Distillery Company, Limited. The effect of this bill will be to intensify and aggravate the unfortunate state of things which the hon. gentleman exhibited to the House yesterday. The little opportunity there is for getting in good old Jamaica to the lower provinces will be further diminished by this company. I have no doubt they are a company of bloated capitalists, and our importers in the lower provinces will have their business in regard to importing Jamaica almost completely destroyed by this bill.

Hon. Mr. DEVER—I have no doubt the hon. gentleman from Halifax feels sore, because Halifax is the depot for Jamaica. They used to live on Jamaica, but recently the merchants of St. John came here and asked for a steamship service to keep up the trade they had lost. Therefore, I do not think it behooves the senior member for Halifax to get up here and throw ridicule on the trade of his old city, because it is well known that if it were not for the West India trade and the few troops that are stationed there, Halifax would be a very small place.

Hon. Mr. KAULBACH—Halifax has lost her little liquor trade and the county from which I come now enjoys that trade.

The motion was agreed to.

## THE JAMES MACLAREN COMPANY'S BILL.

THIRD READING.

Hon. Mr. McCALLUM moved concurrence in the amendments made by the Standing Committee on Banking and Commerce to Bill (29) "An Act to incorporate the James MacLaren Company, Limited."

The motion was agreed to and the bill was then read a third time and passed.

The Senate then adjourned.

## THE SENATE.

*Ottawa, Thursday, 6th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## INSURANCE ON LIVES OF CHILDREN.

INQUIRY POSTPONED.

Hon. Mr. McCLELAN rose to

Direct attention of the Senate to the crimes said to have been developed from the practice of affecting "Insurances on the lives of children, and those incompetent to make personal application for such insurances," and ask the government if they propose to take any measures to restrict or prevent such practices?

Hon. Mr. ANGERS—I would request the hon. member to let this inquiry stand until Tuesday next. There is a very serious question involved in this matter, and the government has had no opportunity of considering the propriety of adopting such legislation as the circumstances may require. We are endeavouring to procure necessary information, and it is very likely that by Tuesday next I shall be in a position to declare what the intention of the government is. I refer to the point which seems to have arisen from the fact that life insurance companies are largely insuring children, and that some of the insurances thus effected have been for illegal purposes.

Hon. Mr. McCLELAN—I have much pleasure in acceding to the request of the hon. minister, and will not proceed with the matter to-day.

The motion was allowed to stand until Tuesday next.

## SECOND READING.

Bill (71) "An Act to incorporate the Camp Harmony Angling Club."—(Mr. Kirchhoffer).

## NOVA SCOTIA STEEL COMPANY'S BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (56) "An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited."

He said: This Parliament last session passed an Act to incorporate the Nova Scotia Steel Company, Limited. One of the principal provisions, I believe, of that Act was to enable this new company, incorporated by the Act, to take over the business of two existing companies, one of which is the Nova Scotia Steel and Forge Company, and the bill which is now before the House is to ratify the sale made by the Steel and Forge Company to the Nova Scotia Steel Company, Limited, and also to amend one section in the act of last year. Subsection "b," of section 10, of the Act of last year, authorized the company to secure any sums borrowed by the company. The clause of the bill before us makes the subsection read "Hypothecate, mortgage or pledge the real and personal property and franchise of the company"—the words "mortgage" and "franchise" are inserted—"or any part thereof to secure any sums borrowed by the company." I wish it to be understood that in moving the second reading of the bill, I do not feel bound to support it, in all its details, or without any amendment, hereafter. The bill comes from the province of Nova Scotia, and the petition was handed to me to introduce. The bill was placed in my hands, but I do not wish to be understood as advocating that the bill shall pass in the exact form in which it comes here. The committee to whom the bill will be referred will of course consider the bill and give fair consideration to any objections which may be urged against it in its present state. I understand there are some of the shareholders in the Steel and Forge Company who object to the passing of this bill, and I presume that representatives of those shareholders will appear before the committee. I have no doubt the committee will do what is right and just in the matter.

Hon. Mr. KAULBACH—I suppose it has received the assent of a majority of the Steel Forge Company.

Hon. Mr. POWER—Yes, it has received the assent of the majority of the shareholders of the Steel and Forge Company. Those who think their rights would be unduly interfered with if the bill passed in its present state are in a minority.

Hon. Mr. KAULBACH—It is simply to confirm the sale.

Hon. Mr. POWER—Chiefly.

Hon. Mr. ALMON—I do not rise to oppose the second reading of this bill, but to thank the hon. member for the fair and candid way in which he has explained it to the House. Very strong representations have been sent here against the bill passing in its present shape, and those will be laid before the committee to which it is referred, and I trust the committee will give them serious consideration, because if the allegations of the parties who have petitioned against it are true, it is a piece of unjust tyranny by the majority. I trust, therefore, that it will be fully considered before the committee.

Hon. Mr. OGILVIE—I think the committee would require to take extra good care, because there have been some very false representations made one way or the other. I looked carefully through the correspondence from one of the shareholders, or more than one of the shareholders, and it looks at the present time, from their standpoint, to be a most unfair transaction for a minority to be forced to dispose of property that has been paying and put it into the hands of property that has never paid at all since ever it began, and I do think if there ever was a bill which should be carefully looked into, this one should be. I am really astonished that it passed the other House at all.

The motion was agreed to.

## RED MOUNTAIN RAILWAY COMPANY'S ACT.

### SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (58) "An Act respecting the Red Mountain Railway Company." He said: This company is incorporated in British Columbia as a railway company, and seeks a Dominion charter to enable it to sell its bonds in England more readily. The bill contains the usual clauses about the issuing of bonds, so much per mile, and the capital stock, and about having telegraph wires along the whole of the lines and the usual clauses of a Railway Act.

## BILL INTRODUCED.

Bill (54) "An Act to incorporate the Ottawa and Aylmer Railway and Bridge Company."—(Mr. Clemow.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 7th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (38) "An Act respecting the Hamilton Distillery Company." (Mr. MacInnes, Burlington.)

## TRAIL CREEK AND COLUMBIA RAILWAY COMPANY'S BILL.

### AMENDMENT CONCURRED IN.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (57) "An Act to incorporate the Trail Creek and Columbia Railway Company," with an amendment. He said: The committee thought that the time, which was reduced to two weeks notice by the clause, is insufficient. They thought it better to retain the clause which we have in the Railway Act requiring a notice of four weeks.

Hon. Mr. CLEMOW—It brings the bill in conformity with the Railway Act.

Hon. Mr. VIDAL—Yes.

Hon. Mr. MACINNES (Burlington) moved the adoption of the amendment.

The motion was agreed to.

## THE BEHRING SEA SEAL FISHERY.

### INQUIRY.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the prime minister if any further information has been received from the Imperial Government with regard to the proposed regulation of the seal fisheries in the Pacific

Hon. Sir MACKENZIE BOWELL—I informed the Senate a few days ago that on reading a cablegram in the newspapers I telegraphed to Sir Charles Tupper to ascertain what they proposed to do and also to delay any action in case it should affect in any way the seal fisheries of this country. I received the following telegram to-day :

Colonial Office say apparently some misapprehension about Behring Sea Bill. It simply renews Fisheries North Pacific Act, 1893, which expires July 1st. That it will hardly get through so could not be delayed. Is required to give effect agreement Russia as to Western Pacific sealing and will be found more favourable than Sealers' Act, 1893.

It shows at least that they have acceded to some objections which we have entered in a protest against some of the provisions of the old Act. Whether it goes as far as we should like or not, I am unable to say.

Hon. Mr. POWER—The Act of 1893 did not deal with that part of the Pacific.

Hon. Sir MACKENZIE BOWELL—The agreement was between Russia, Canada and the United States as to certain sealing restrictions which had been made. This, as I interpret it, means that it it is more favourable to British sealers.

Hon. Mr. MACDONALD (B.C.)—Russia came into the agreement after 1893, and now she wants to be on the same footing as the United States of America. That is the idea, I believe.

Hon. Mr. POWER—Russia was not a party to the agreement.

Hon. Mr. MACDONALD (B.C.)—No. She wishes to become a party to it now.

Hon. Mr. POWER—My impression is that it means the agreement with Russia is more favourable than the agreement of 1893 with the United States.

## THE COPYRIGHT ACT.

DEBATE CONCLUDED.

The Order of the Day being called—

Resuming the adjourned debate on the motion of the Hon. Mr. Boulton :

That an address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, a return of the correspondence in regard to International Copyright during the past year.

Hon. Mr. BOULTON said : When the debate adjourned on Wednesday I was engaged in discussing the question of copyright so far as it effected the authors and publishers of Canada. Since speaking on this subject, I have been corrected in regard to the dates of the Acts I have been referring to. The Act of 1875 is, I believe, the foundation of our present copyright legislation. The Act of 1842 governs at present our copyright relations with Great Britain. This Act gives to British authors under their copyright registration protection throughout the British Empire. Since 1886 the same privileges have been enjoyed by Canadian authors under their copyright registration. This is one of the grievances which the Copyright Association in Canada complain of, although reciprocal they wish it stopped. This reciprocity in copyright was secured to us in 1886 by the International Copyright Act, which appears in our statutes of 1887.

The right of British authors was affirmed in Smiles *vs.* Belford, 23 Grant's Chancery Reports, page 590, where the question of copyright is very fully discussed and applies to the present state of the law. It was further found in that case that if a British author desired to prevent the importation into Canada of pirated copies in a foreign country, he must copyright his book in Canada as well as in England. This is the only reason why British authors who have obtained copyright in the mother country, also copyright in Canada for the purpose of preventing, if possible, American reprints from entering Canada, in which case they would, of course, not be entitled to the twelve and one-half per cent collectable by the Canadian customs.

The non-admission of foreign reprints was a subject of bitter complaint here many years ago. It was on this account that the Imperial Government sanctioned the "Foreign Reprints Act of 1847," whereby they agreed in the event of colonial authorities collecting the twelve and one-half per cent royalty at the customs, that they would agree to the admission of foreign reprints into the colonies. It appears as if we were withholding the collection of this twelve and one-half per cent for the purpose of bringing British authors into our views. I stated in quoting from the census returns that there were 589 publishers in Canada, composed of those who are engaged in the manufacture and publishing of books as well as the publishing of newspapers throughout the coun-

try. In addition to that I wish to say that there are annually about 500 copyrights taken out by Canadian authors for the publication or perhaps I should say for the protection of their photographs, &c., &c., and the comparative merits of these two classes of industry in Canada aparently do not coincide so far as the representation made by the Copyright Association of Canada is concerned in so far that they wish to withdraw Canada from the Berne Treaty and to impose such restrictions upon the rights of British and foreign authors that should come in under the Berne Convention that will be practically nullifying any advantages there may be in belonging to the Berne Convention or rather I shou'd say imposing in that Act such provisions as preclude us from the Berne Convention and restrict privileges of Canadian authors to a smaller field than the convention confers upon them. The Berne Convention contains in its second article the following:—

*Article II.*

Authors of any of the contracting countries shall in all the other countries of the union, enjoy for their works whether manuscript or unedited, or published in one of those countries, the advantages which the respective laws actually accord or shall hereafter accord to nations.

These advantages shall, however, be secured to them reciprocally, only for the period of existence of their rights in their country or origin.

This enjoyment is subject to the fulfilment of the formalities and conditions prescribed by the laws of the country to which the author belongs.

Now we have authors in this country, apparently to the number of about 500, who annually seek copyright in Canada, and it is a matter of very great importance to those authors that the privilege of copyright in Canada shall carry with it the protection that is afforded to all authors who come within the limits of the Berne Convention; or, in other words, while our Act of incorporation would confine the profitable employment of the labour and brains of authors in Canada to the few readers composing the population of Canada—divided as they are between French and English—you are restricting very much indeed the advantage to Canadians to pursue authorship, and in literary works and works of art of every description you are contracting them within a very narrow limit indeed. Instead of placing the product of their labour and their brains before an extended English-speaking population comprised in the United States, Great Britain, and the British dominions generally, as well as in France and other countries, you are confining them simply and solely to the profit of working for the Canadian market. But not only are you doing that under this Act, so far as it operates against our authors, but you are putting into competition with our authors the works of foreign authors or British authors in our market free of any compensation whatever; and if every newspaper is entitled to publish under license from the government the works of foreign authors, what chance is there for the book trade and the labour engaged in it? What I wish to point out is that the author in Great Britain, under our act, if he does not think it worth while to take out a copyright for the restricted area of the Canadian market, then, under our Act, the Canadian market becomes an open market for the publication of foreign works without paying anything therefor. To be sure, the Act intends to protect by the 10 per cent duty on works copyrighted, or 12½ cents on works licensed, but it affords no practical means to make it worth the while of a foreign author to come and protect his rights on Canadian soil; and the result of that would be that every newspaper in Canada would have the right to publish the works of foreign authors—no matter how valuable they may be, no matter how popular they may be—for nothing, subject to this limitation; or rather, after the author has published the work, after it has been thoroughly advertised in the United States papers in consequence of its popularity, and after its having been thoroughly advertised in the English papers on account of its popularity there, then the Canadian publisher can take and choose among the popular works, and take possession of those works—publish them virtually for nothing, according to my contention.

Now is that a fair position to place Canadian authorship in? Is it right to say to our authors "If you wish to write for the Canadian public you will have to enter into competition with the talent of that extended area in Canadian territory which is published for nothing, or virtually nothing under license. Can our publishers pay anything in Canada for the encouragement of Canadian authors? I say if you continue to impose that condition, as a necessary consequence you must drive the brains of Canada that devote themselves to literary and artistic pursuits beyond the confines of Canada

to seek in foreign countries a more liberal extended market and more treatment for their talents. In Great Britain if an author goes there he receives the extended privilege of publishing for the large population that exists there and not only that but he comes under the Berne Convention in a more extended direction. Now is it worth while for us to so frame our legislation that we offer encouragement to our own children, to our own young people who are growing up, and our own talent, to remain on Canadian soil and take advantage of that more extended field or to force them out of the country in order that they may find profitable employment for their talents. I think on consideration it will be found it is far more preferable to frame legislation that our own Canadian authors can remain on Canadian soil and while they are using the advantages, the originality, the morality that prevails in Canadian homes, using that and extending its influence through the world by the power of the pen. Under the terms of the Berne Convention that it is far better that we should frame our legislation in that direction rather than that we should say to them " We cannot give you a profitable field in Canada and you must go to the United States to get the advantages of the sixty-five million people who read English or the thirty-eight or forty million people who read English in Great Britain can or the thirty-eight million who read French." They are working at a great disadvantage and then become exotic or house hot plants because they are working in a field surrounded by new circumstances apart from what they were reared in, instead of taking advantage of the originality that preceeds from the surroundings in which they were reared and which strengthens with age. What do we see at present? Gilbert Parker, a Canadian author who has gone abroad to find scope for his talents, has received an order to publish Canadian life in the North-west, a story of the Hudson Bay Company and so on. He has for many years parted his connection with Canada although using the Canadian history and Canadian sentiment generally as his theme. He has been sent out here and he travels about to pick up materials for that purpose. Then we have an authoress, a sister of Mr. Dougall of the Montreal *Witness*, Sarah Jeannette Duncan, who has published several works. She has gone to England in order to find larger scope for her talent, and I might go on enumerating many instances in which the same conditions occur, and it is not a wise thing for us to pass any legislation that will restrict the advantages we have within ourselves, the power to extend to Canadian authors an enlarged market in order that they may use Canadian soil for the profitable prosecution of their work. Now, hon. gentlemen, that is one side, from the Canadian author's side, on the other side comes in the question of the legislation that we have put upon the statute book which to a very large extent induces what is called literary piracy, and I do not use this term in an offensive sense to any one, as I stated the other day that literary piracy was pursued by the Americans until a very late date when their Copyright Act giving power to foreign authors was passed. That literary piracy received its quietus in the United States, and now the international copyright law has been passed. In considering our legislation we are too apt to pass it with an eye upon our neighbours instead of judging the question upon its sole merits, we always press forward the view of what our neighbours are doing, and seek to retaliate upon them in some form or other in order that we may try and force some equitable terms according to our view of it. I do not think that it is a wise position for us to take. I think that we have sufficient scope in our own country, and that we possess sufficient advantage in belonging to the great British dominions and considering ourselves part and parcel of them and the extended area which they cover without narrowing down in any degree our nationality to Canadian soil in regard to these matters and if our neighbours choose to take an illiberal view of a subject of this kind, it does not follow that because that illiberality may prevail to a certain extent against us in their market that therefore we should be imbued with the same illiberal sentiments, but I do think that in the domestic legislation of our neighbours that they are retracing their steps considerably and the passage of their Copyright Act is only one of many evidences that they are making a retrograde movement in favour of basing their legislation upon higher grounds. So far as the term literary piracy is concerned it might be applied to the Act we are now passing, similar to the letters of marque that two centuries ago were issued to men like Sir

Francis Drake upon the high seas for the honour and advantage of Great Britain in extending her operations in the wide field of the world, but there is just this to say that civilization is advancing since that date and Sir Francis Drake and men of that stamp ran great risks to develop their enterprise, and had to be endued with the spirit and the pluck, and the ingenuity of all Britain's great leaders in those days, and he took great risks in what he did. We propose to issue letters of marque to literary pirates, without imposing any risk upon them and give them all the profits that may accrue from it, but to the great demoralization of Canadian writers and possibly readers. There are a certain class of books though popularly advertised, are not always the class of works you desire your children to read. There is a literary degeneracy in morals which it is not desirable to spread under the stimulating influence of our licensing system; for that reason I think, honourable gentlemen, that we should hesitate before we throw our Canadian authors into competition with that class of unpaid for literature. Now in 1891 the Copyright Act of the United States was for the first time passed and it was the subject matter of a great deal of inquiry. There was a Senate commission appointed to invite the publishers and authors to go before that commission in order to show what grounds they had for defending themselves from their respective points of view and I would like to read you one or two observations dropped from the mouths of some of the men whose names are familiar to us such as Mr. Putman, one of the great publishers in the United States, and Mr. Estes and others all of whom appeared before this commission. Mr. Putnam says:

> The American public is entitled to the best literary and scientific work which can be secured for it from the writers of the world, and at the lowest prices. It is impossible, however, for the publisher to provide such material unless he can be permitted to control undertakings which he has planned and, in a sense, has created. American writers also lose the advantage of co-operating in such international series, and the work of American scientists and scholars is each year becoming more entitled to international recognition.
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> In Europe, under an international copyright, the cheapest books are the best books by the best authors of all times. In the United States under the "scramble" system of publishing the cheapest books are the inferior stories of contemporary English novelists. Our present state of things discourages good books and encourages poor books.

These were some of the sentiments among many uttered by one of the leading men in that country when this question of copyright was up. I will quote another from Mr. Dana Estes, who appeared before this commission also:

*Mr. Estes of the firm of Lariat & Estes before the same Committee.*

The CHAIRMAN—There is no reason to suppose if you put in this bill, what is a regulation of import duties, that Great Britain is going to change her system of imports.

Mr. ESTES.—My own opinion is that it will not give us reciprocity at all that if we put this clause excluding foreign plates into the bill, the result will be that it will not be accepted by foreign nations. I regret to say this, gentlemen, but it is my conviction.

The CHAIRMAN.—I supposed you gentlemen had agreed on this bill.

Mr. ESTES.—We agreed to it and ask you to pass it.

The CHAIRMAN.—Still you regard it as defective?

Mr. ESTES.—I do regard it as a very serious defect, and so do all the gentlemen who are associated with me as publishers; and right here let me read a letter from the largest publisher and book manufacturer in New England.

THE CHAIRMAN—Suppose it should turn out that Great Britain did not interdict the exportation from this country to Great Britain, or the importation into great Britain from this country, would you still have your objection to this clause?

MR. ESTES—Not at all. I should be very glad to have it as restrictive as it is possible for us to have it, because it is for my business advantage, and that of the compositors and printers.

Permit me to read a letter written by Mr. H. O. Houghton, proprietor of the Riverside *Press*, one of the largest printing establishments in the country. It is directed to Mr. Chace. With his permission, I will read it:

"BOSTON, March 7th, 1888.

"HON. JONATHAN CHACE,
"United States Senate,
"Washington, D.C.

"DEAR SIR,—Please accept my thanks for the notice of the hearing on Friday. I regret that it is not convenient for me to be present, but I scarcely believe it will be necessary, as my views are well known to you, to authors, the trade, and employees. I am prepared to give assent to any form of bill you may think it wise to push. I have the greatest confidence in your judgment in this matter. If it would avail anything, I should like to protest earnestly against the requirement that all books should be reset. I am sure that such a course would go a great ways to making nugatory the best effects we expect from an international copyright law. There are a great many books, the plant of which costs from $50,000 to $100,000. I mean by plant the cost of engraving, typesetting, and electrotyping. The owners of this class of books would not avail themselves of the international copyright on account of this extra cost, but

the English would make the books there and send sheets here, thus depriving a great many workmen of employment, which would naturally come to them if the plates were sent over and the books manufactured here. Besides, the public would not be so well served, and there would be just indignation at requirements which compel people to do useless labour. I am sure that none of my workmen who fully understand the subject would ask for such a provision. I think also that those of the trade unions who fully understand the question would not demand it. We certainly do not want to be 'hoist by our own petard.'

"Profoundly grateful to you for your interest in the subject, so important to all makers and readers of books, I remain,

"Yours very truly,

"H. O. HOUGHTON."

I will quote the clause in the Act of the United States referring to the conditions of copyright :—

*Clause in American Act*, 1891.

Sec. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the librarian of Congress, or deposit in the mail within the United States, addressed to the librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statute, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright, book, map, chart, dramatic or musical composition, engraving, chromo, cut, print or photograph, or in case of a painting, drawing, statue, statuary, model or design for a work of the fine arts, a photograph of same : Provided, that in the case of a book, photograph, chromo or lithograph, the two copies of the same required to be delivered or deposited as above, shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom.

Hon. Mr. KAULBACH—Can my hon. friend give us any quotations from any authors or publishers in Canada ?

Hon. Mr. BOULTON—This is dated March 7th, 1888, when the commission I have just referred to was sitting.

Hon. Sir MACKENZIE BOWELL—Before the present United States copyright law was passed ?

Hon. Mr. BOULTON—It was under consideration, and it was finally passed in 1891. That is the view expressed by Mr. Dana Estes and Mr. Putnam and many others who went before that commission. The difficulty that appeared to present itself to their minds was that in that effort to obtain an international copyright they did not want any obstructions in the way, while they disagreed with the resulting clause they were prepared to accept the bill with the clause in it, trusting that when once they got the international Copyright Act upon the statute-book that then possibly in time they would be able to amend and make it a more liberal Act than in its present form, and so bring it under the extended operation of the Berne Convention.

Hon. Sir MACKENZIE BOWELL—Do I understand you object to the provision in the United States law which compels the publication and printing of it in the States ?

Hon Mr. BOULTON—Yes, naturally and that letter objected to it. Simplify work and you increase trade. The United States however does not require publication and printing except as to two books, it is resetting they require. I say if the United States and Canada and Great Britain were unitedly to take the same views many of the great authors and great publishers expressed on that occasion it would not affect the question of the employment of labour, the extension of publishing or the encouragement of authors and writers who are essential to publishers and printers except in a beneficial way. At any rate Canada will lose nothing by taking the right stand. So far as the American Act is concerned I think it does not operate against Canadian publishers. Some Canadian publishers might prefer of course to be free under the legislation of the country to select such works as they like, and put them in their newspapers or publish them in books without paying anything therefor, except under the doubtful licensing system, and if possible to smuggle over into the United States the same as if it were taken out of bond.

Hon. Sir MACKENZIE BOWELL—I do not wish that statement to go abroad uncontradicted ; neither the publishers nor printers in Canada ask for any such privilege. All they ask is precisely what the

publishers in the United States asked and what the hon. gentleman has just read.

Hon. Mr. BOULTON—The publishers, as represented by the Copyright Association, ask for the enforcement of the Canadian Act of 1889, and I presume the withdrawal from the Berne Convention. What I contend is that if a foreign author wishes to save his copyright in Canada the conditions of our Copyright Act are so costly in a limited market, as a general rule foreign authors or their assigns will not try to protect themselves, except at the boundary line —while if our publishers were prohibited from using the works of foreign authors except by arrangement. they would then find it to their advantage to encourage and remunerate Canadian authors, when there is such a large field for them under the Berne Convention. I will read a clause from the Act of 1889 :

The conditions for obtaining such copyright shall be that the said literary, scientific, musical or artistic work shall, before publication or production elsewhere, or simultaneously with the first publication or production thereof elsewhere, be registered in the office of the Minister of Agriculture, by the author or his legal representatives, and further that such work shall be printed and published or produced in Canada, or reprinted and republished or reproduced in Canada within one month after publication or production elsewhere ; but in no case shall the sole and exclusive right and privilege in Canada continue to exist after it has expired in the country of origin.

Section 6 of the said act is hereby repealed.

If the person entitled to copyright under the said Act as hereby amended fails to take advantage of its provisions, any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses to print and publish or to produce the work for which copyright, but for such neglect or failure, might have been obtained ; but no license shall convey exclusive rights to print and publish or produce any work :

A license shall be granted to any applicant agreeing to pay the author or his legal representative, a royalty of ten per centum on the retail price of each copy or reproduction issued work which is the subject of the license and giving security for such payment to the satisfaction of the minister.

The royalty provided for in the next preceding section shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor in Council ; but the government shall not be liable to account for any such royalty not actually collected.

This last clause is repealed.

Now that is the Copyright Act of 1889. Those are the conditions of publication. The Act, as I stated the other day, that we are working under is this Act of 1887. What the hon. leader of the House wishes to convey is, that the publishers are not asking for the right to pirate works—they are asking for the right to pirate works subject to a payment of 12½ per cent. There is however, no contract as between the author and the publisher—there is nothing of that kind, the Act provides the means and if there is no copyright here they apply to the government and the government takes possession of the stranger's work and issues a license, not to one man only, so as to make it worth his while to do it in the very best possible way, but they may issue 50 or 60 or 80 licenses as the case may be, according as they are applied for. I should like to ask the hon. gentleman, would you like to entrust your goods or wares to any such condition as that, when a man has the right to go to the boundary of the country and take possession of a barrel of pork or a bale of goods or anything comes into the country, and say we will authorize you to take that, but you have to pay the owner for that a certain price. How is the owner going to collect this? There was some years ago a protection granted by which the Canadian government became responsible for the collection of the 12½ per cent, but they have withdrawn themselves from the responsibility of that. At the present moment, there is no means at all, excepting the author likes to come in and hunt up the publisher for the value of his labour and brains, a value that may lead to considerable dispute, after the author's work is taken possession of. That is the position in which this Act is placing those authors, to that extent, I say it is literary piracy—not literary piracy in which the individual takes his chance the same as an ordinary smuggler would in the case of reprinting for the United States, but piracy, which is made legal over people who have no redress and no rights which they can control so far as Canadian legislation is concerned. It is not taking that advanced position in the civilization of nations that Canada should take as being part of the British Dominions. I should like to read to you something which I got out of the public press, with regard to contraband music. A large seizure was made at St. Albans, Vermont. The article taken from a Montreal paper is as follows :

## CONTRABAND MUSIC.

CONSIGNMENT FROM MONTREAL SEIZED AT ST. ALBANS, VT.—PUBLICATIONS OF AMERICAN COPYRIGHTS BROUGHT IN FROM CANADA.

ST. ALBANS, May 6.—The most important seizure of contraband mail matter that has been made in recent years has just been brought to light in St. Albans. Beginning three months ago and continuing at different times since three large sacks of mail matter containing musical publications have arrived at this post office from the Montreal post office. The matter was looked upon with suspicion, and Postmaster Larner, knowing of the rigid rules which exist regarding the importations of the copyrighted American publications, held the contents for investigations, which were made, and the matter was found to be reprints of valuable American copyrights of musical pieces and music books, and the seizure proved to be the largest and most valuable ever made, the music being valued at from $2,500 to $3,000.

In the past 10 years there has developed in Canada several large concerns which make a business of reprinting and republishing American copyright pieces and musical books, and as there are no royalties to pay their music is sold at prices ranging from 50 to 75 per cent less than the prices asked by the American copyright holders and publishers.

As St. Albans is but one of the many hundreds of frontier post offices it can be readily seen that the business is capable of great magnitude and extent.

There is no way in which the publishers can be punished otherwise than in confiscating and destroying the property. The music will be forwarded to the dead letter office at Washington, where it will be condemned and destroyed.

The facts in connection with that are that the seizure consisted of 4,000 pieces of music, and the parties to whom they were addressed, numbered about 200 and there was hardly a state in the union which was not represented. That is the work of just one publishing firm in Canada. When there are perhaps, three or four publishing firms conducting the same profitable operations, it is perfectly evident, that if the Imperial government was to give its sanction to the Act of 1889, and we were to work under the Act it would give rise to what might properly be called a very flourishing business in literary piracy. Ninety per cent of all the works published in Canada would be published not for Canadian readers, but for the purpose of being sent across the line at reduced rates for the United States readers. It is certainly not a wise position for us to take that we will by our legislation constitute ourselves a source of annoyance to our neighbours and foster under a show of legality what is dishonest—" Do unto uthers what we would they should do unto us," is a safe foundation for us to rest upon in framing our legislation. Or as President Garfield put it in giving advice to the manufacturers : " Gentlemen it pays to be honest." It will pay our publishers far better to take advantage of the international copyright law than to ask our government to withdraw from it.

Hon. Mr. KAULBACH—And has not the United States a monopoly of our markets for these books and music, while we are deprived of going into their markets on the same terms?

Hon. Mr. BOULTON—No, the United States has not a monopoly of our market. As I explained the other day if an English author writes a work and he wants to take advantage of the Berne convention or take advantage of the United States and Canadian markets he will sell his copyright to a United States or Canadian publisher.

Hon. Sir MACKENZIE BOWELL—That is not answering the question. If he sells the copyright to a United States publisher for America, including Canada, has he not the sole control of the Canadian market?

Hon. Mr. BOULTON—Yes, but on the other hand if he sells the copyright to the Canadian publisher the Canadian publisher has the exclusive control of the United States market. If we grant copyright to an author do we not give him sole control of the Canadian market.

Hon. Mr. KAULBACH—No.

Hon. Mr. BOULTON—Yes, that is the case.

Hon. Mr. KAULBACH—No, you must print and publish in the United States.

Hon. Mr. ANGERS—There is nothing to prevent getting a copyright in the United States.

Hon. Mr. BOULTON—The mode of procedure is this, for I had occasion to copyright a small work for my daughter the other day which caused me to ascertain exactly what I had to do in order to get the more extended copyright. At present registration here protects her work under the Berne Convention. If an author was to sell his copyright to a Canadian publisher with the right to this continent—to the United States as well as to Canada—he

could do so by overbidding the United States publisher. If he would give a higher price than his competitor he could do so. Then he would publish the work here in Canada or he would publish it in the United States. The condition of the copyright in the United States is that the type shall be set up there—nothing more than the type-setting.

Hon. Mr. KAULBACH—But two books must be printed there?

Hon. Mr. BOLTON—Two books must be run off with type setting in the United States and deposited in the congressional library. That is the condition of getting a copyright in the United States. The Canadian publisher, if he got copyright, all he would have to do would be to get that work set up in the United States, run off these two books there and bring his stereotype plates over to Canada.

Hon. Sir MACKENZIE BOWELL—Supposing the works to which you have alluded were copyrighted in Canada, does that prevent a United States publisher from publishing them if he thinks proper without buying that copyright?

Hon. Mr. BOULTON—Yes.

Hon. Sir MACKENZIE BOWELL—No. If you copyright any work in Canada and no one purchases it in the United States, is there anything in the law of the United States or any international law existing between the United States and England, or under the Berne Convention, to prevent a United States publisher from publishing it if he thinks proper?

Hon. Mr. BOULTON—Not without copyrighting in the United States—certainly not and so it is in Canada. You have got to copyright the work in Canada, but what I wish to show is that if the Canadian author outbids a United States author he can secure the right of this continent through Canadian channels for his work and under our present Act of 1887 registration here protects the work in the British dominions. Then all the Canadian author has to do is to copyright that work in the United States and Canada in order to secure both countries and rights under the Berne Convention, he has to simultaneously place the books in the congressional library and two books in the Canadian library or under the Canadian law he has one month to do that. The difference between the Canadian law and the United States law is that the latter only requires the type-setting—it does not require the printing and publishing. The Canadian law does not require type-setting but it requires printing and publishing—there is the difference between the two laws. In the United States type-setting is the condition; in Canada printing and publishing are the conditions. Supposing that the publisher in Canada was to obtain the copyright of a popular and valuable work of a British author or for that matter from a United States or a Canadian author then all he would have to do in order to secure this would be to copyright this by setting up the type in the United States, striking off the two copies and then bringing the stereotype over here to Canada to print and publish in Canada for the whole of this continent.

Hon. Mr. KAULBACH—But he must print two books in the United States.

Hon. Mr. BOULTON—That is all he has to do, but he can print a million books in Canada and take them to the United States. When the type is struck off there is no great difficulty in printing two books. What I wish to point out is that the Canadian publisher has that advantage of setting up the type in the United States he can bring the stereotype plate free of duty into Canada and can then publish for the whole continent however large the circulation may be. I know of a publisher in Canada who got an order from Chicago to print and publish ten thousand almanacs for a firm in Chicago. If he can do the work cheaper and better by perfecting his machinery and working under free trade here than he can do it in the United States he is going to infinitely increase the business of publishing on Canadian soil over and above any possibility of arriving at the same results under the Act we are proposing to enforce withholding protection from British authors and withdrawing from international protection. Under that Act we are limiting the powers of publishers to the small market of Canada, we are limiting the powers of Canadian authors to the small market of Canada unless they go abroad to secure greater rights and not only that we are throwing into competition with the Canadian author all the most popular works of

Great Britain and the United States which is obtained virtually for nothing by Canadian publishers. That is the position exactly in which copyright would place us under the enforcement of the Act of 1889. By taking a more liberal view of it; by taking the view that the people of Great Britain take on that matter so far as the Berne Convention is concerned we as authors or publishers will be placed in an infinitely better position than we possibly can be by trying to enforce this Act of 1889, in so far as it conflicts with the Berne convention of international copyright. Then another point to which it is desirable to draw attention—that is our responsibility under the British constitution. We are part of the British Empire and we wish to say virtually by this Act, although we are part of the British dominions quite irrespective of any rights that they may possess as working alongside of us as brothers and sisters under the same constitution. They have no power except to make representations to the British government. They have no power to come here and say we shall do so and so, because we control our own legislation, but the position that the British government is taking under the British constitution is this—they say so far as you in Canada decide to restrict your own publishers and authors within the bounds of Canada we offer no objection at all, but when it comes to you legalizing your publishers to take possession by force of arms through your legislation of the works of British authors, we, as the head of the empire, certainly will interpose our objection, at all events to give you ample time to consider the full force of the legislation you are seeking to impose. I say if you look into the question in a spirit of honesty and fairness, you will see that the Imperial government has taken the proper constitutional position. It is not a position of interference with Canadian rights, but it is an inter-position with Canadian legislation interfering with British rights. That is the view that I think, should be presented. In order to bring it more forcibly before this House and to show exactly the position that the British government has been taking in regard to the matter. With regard to the comparative value of the Canadian market, and the value of the United States market to authors, I should like to read to you what is published in the papers, by way of prizes that are offered for the publication of works. The New York *Herald* of May 19th, 1895, publishes the following offer to authors:—

## HERALD'S PRIZE OFFERS.

### NINETEEN THOUSAND DOLLARS TO BE AWARDED TO AMERICAN NOVELISTS AND POETS.

The following is a list of prizes which the HERALD offers to American writers:—

The HERALD will award a prize of $10,000 for the best serial story of between 50,000 and 75,000 words by an American writer, whether professional or amateur.

The HERALD will further award prizes of $2,000 and $1,000 respectively to the serial stories which shall be adjudged second and third in excellence in this category.

### CONDITIONS OF THE CONTEST.

The condition of this contest are as follows:—

The manuscripts must be submitted anonymously, and must bear only the initials of their authors or other private identification marks.

The *Herald* will nominate a committee of ten well known literary men, and from them the readers of the *Herald* can select by ballot the final committee of three, who will choose the best works and make the awards.

The stories so selected will be printed in the *Herald* Daily and Sunday, as occasion requires, beginning early in October, 1895.

The manuscripts other than the three selected by the examiners will be returned to the writers upon their identification by means of their initials or private marks. The writers will be at liberty to publish these returned manuscripts elsewhere, and no reference will be made by the *Herald* to to the fact that they have been rejected.

The works that are adjudged to be first, second and third in the several competitions will be returned to the authors, after publication, and they will have the privilege of selling their works anywhere, the *Herald* meantime having protected them by copyright.

All manuscripts for this competition must be submitted before July 1, 1895.

### PRIZES FOR EPIC POEMS.

The *Herald* also offers three other prizes—the first, of $3,000, for the best novelette of between 15,000 and 25,000 words: the second, a prize of $2,000, for the best short story of between 6,000 and 10,000 words, and the third, a prize of $1,000 for the best epic poem based on some event of American history that has occurred since the beginning of the war of the revolution.

The conditions that will govern the competition for the prizes of $10,000, $2,000, and $1,000 will also govern those for the prizes of $3,000, $2,000 and $1,000. The chosen manuscripts will be published in the *Herald* in turn, upon the conclusion of the serials.

All manuscripts for these latter competitions must be submitted to the *Herald* before September 1, 1895.

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Manuscripts should be addressed as follows:—For the $10,000 prize, Serial Story Competition,

the New York *Herald*; for the $3,000 prize, Novelette Competition, the New York *Herald* for the $2,000 prize, Short Story Competition, the New York *Herald*; for the $1,000 prize, Epic Poem Competition, the New York *Herald*.

Now what I wanted to point out in reading this extract to the House was the fact that there was $19,000 offered for works published by United States authors, of which $10,000 was for the first prize. Then, after the New York *Herald* had the privilege of publishing the story, the manuscript would be returned to the author copyrighted, and it would become his own property to make whatever he could out of it, so far as the value of the work and the advertising it receives is concerned.

Hon. Mr. KAULBACH—That is United States authors.

Hon. Mr. BOULTON—Certainly. I want to impress upon the hon. gentleman's mind that fact, that after the New York *Herald* publishes it once, then the manuscript reverts to the author to be published for his own profit afterwards. I dare say the hon. gentleman has seen an advertisement—in fact it was pointed out to me by my hon. friend from Lunenburg, in which a similar offer for a prize for the encouragement of Canadian authorship is made by Dr. Williams of the patent medicine company, and what was the prize offered in that advertisement? It was $300, of which $100 was for a first prize, the other $200 was to be divided up into three or four prizes. Then, after the Canadian authors had set to work competing for those prizes, the best were to be selected, and they were to divide the prizes of $300 for all the labour and work of composing, recopying, type-writing, etc., and then after that had been done the successful prize owners were to get the prizes and Dr. William's Company was to own the copyright. Can you consider that the Canadian market can be worth very much in its limited sense, if that is the only offer and the best offer that can be made for the publication of works? The Williams Company get all the benefit of the advertising connected with it, and I think that should be sufficient to justify him in offering the prize, but after he has set all these authors to work and and selected the best works amongst them, then he is to own the property of the successful prize winners. Then again the London *Statist* offers a prize of one thousand guineas for the best essay on Imperial unity, not confined to the British Isles, but open to any resident in the British dominions. Compare these three advertisements, one in a United States paper, another in an English journal and the other in a Canadian paper, as to the value and advantages of the respective markets, so far as the prize offers gauge them. We have the opportunity of taking advantage of the United States market where a prize of $10,000 is offered under the conditions that I have mentioned, but by our own legislation for the sake of publishing the works unauthorized for publication by the authors themselves, we propose to narrow the efforts of Canadian authors and publishers or drive them out of the country, force them to become residents of the United States or Great Britain in order that they may take advantage of the larger number of readers. We drive them out of our country simply because the conditions that we are imposing and restricting as we think for our own benefit and for the benefit of a certain class of publishers, and we think we are doing a wise thing. Would it not be more patriotic and more to their pecuniary benefit if Canadian publishers would encourage Canadian authors in order that through them they could extend their publishing business? When thoroughly considered in all its bearings it will be found that it will be wise for us, as our neighbours have done, to retrace our steps in regard to this copyright question, and take a broader view of the question in all its bearings. Let us put alongside the interest of those publishers who desire to place foreign authors under onerous conditions the rights of the authors. These publishers are not alone to be considered. The publishers generally have not petitioned for this, because, as I stated the other day, out of the five hundred and eighty-nine publishers in Canada, publishers who have built themselves up to the position that they occupy to-day without the aid of any literary piracy, and have attained that position that they can continue under legitimate methods to develop their capacity—compare these publishers with five hundred authors that copyright their works, are they not worthy of consideration as against those publishing interests that are seeking to impress their views upon the public through the International Copyright Association? As a matter of policy in the employment of labour, I say, although

the copyright association did present, along with their own representations, a resolution to the government passed by one of the trade unions, that it was desirable that the imposition of printing and publishing within a month, should be inserted. The view that labour should take of these questions is not to narrow its view down to the private interests of the individuals who compose the union, but when a labour organization bands itself together for the promotion of the cause of labour, they should take the whole question of labour into consideration, and not simply the local or special interests of those who compose the labour union. The broader the view they take the greater will be their political force and so far as this question which I have put before the House is concerned, I believe the cause of labour will be infinitively, better promoted by taking advantage of the Berne convention and building up the publishing interests of this country so as to secure a greater extension of publishing these works on Canadian soil, both for the English market and for the Canadian market and through Canadian talent. The Canadian Copyright Act does not require type-setting as I have explained and the stereotype plates after striking off two books in the United States can be imported into Canada and we would then have a magnificent field for publishing on this continent. Let the publishers lay their foundations on those lines and success will attend their efforts. I will not detain the House any longer with my views on this question, though its importance does not require an apology for taking up so much of your time. I would suggest that in dealing with it—because it is a matter that we should desire to be in accord with Imperial legislation upon. I would suggest that if the members of the government have not thoroughly made up their mind—have not thoroughly concluded as to what are the real rights of the matter as between the English and the Canadian authors and publishers, it would be desirable that a committee should be appointed from this honourable House or in any form that it is thought best, in order that a better understanding of the whole merits of the question could be had by personal contact with the interested parties in Canada.

Hon. Mr. KAULBACH—My hon. friend is nothing if he is not unique. He sets himself up as the mouth-piece of 589 publishers and 500 authors in Canada. I should like to know by what authority he assumes that position?

Hon. Mr. BOULTON—I never mind that remark, my hon. friend always misunderstands me.

Hon. Mr. KAULBACH—The hon. gentleman spoke in their interest, and I presume he had some authority—some mandate from them to speak, when he advocated their cause. He certainly does not represent their views, their wishes or their interests. I ask my hon. friend if he can find an author or publisher in Canada who has presented the case in the way in which he has? Have they not all taken one position and gone in one direction and asked for a copyright law such as the Act of 1889? It is a pity my hon. friend could not have brought this up on a substantive motion, and so test the position. He would have found himself all alone in that case—without one follower in parliament. Now, how does the matter stand? We know that long ago there has been a clamour in the colonies that we should have a copyright law of our own. That has been the clamour everywhere. I can remember that this copyright question used to come up periodically and receive the approval of the Senate. We find that as far back as 1845 England—

Hon. Mr. BOULTON—That is a chestnut.

Hon. Mr. KAULBACH—Yes, but as sound as ever. It has never been reversed; you will find that when Earl Grey was Secretary of State for the Colonies, he said:

> Her Majesty's Government propose to leave to the local legislature the duty and responsibility of passing such enactment as they may deem proper for securing both the rights of authors and the interests of the public. Her Majesty's Government will accordingly submit to Parliament a bill authorizing the Queen in Council to confirm and finally enact any colonial law or ordinance respecting copyright notwithstanding any repugnancy of any such law or ordinance to the copyright law of this country.

That was in 1845. How was that followed up? But I never heard of that promise being fulfilled. No such bill was presented to the British Parliament. No such authority was passed, but by our Confederation Act in 1867 the whole power was given to us to deal with copy-

right, the same as we have the right to deal with many other subjects enumerated in section 91.

Hon. Mr. BOULTON—Not the power to pirate.

Hon. Mr. KAULBACH—We do not want to grab or steal, and we do not want isolation, but we want fair reciprocity, which we have never got. Then what have we next? We passed our law with the suspension clause, and England, no doubt on account of some international arrangement with other countries, has not thought proper yet to give us what we claim as our right under our constitution, and to which, apart from that right, we are fairly and justly entitled. That is the position in which we stand, that law passed in 1889 unanimously in both Houses I think my hon. friend was a member of the Senate at the time, but we did not hear his voice in opposition to the measure then.

Hon. Mr. BOULTON—I was not in the Senate until 1890.

Hon. Mr. KAULBACH—The hon. gentleman was in the Senate in 1891, when we passed an address to Her Majesty praying that the Act of 1889 should come into operation. It went without a dissenting voice, and this is one of its paragraphs :—

The provisions of the Act of 1889 just mentioned are such as are required for the interest of the people of Canada, and its provisions have not been shown to be in any respect unfair as regards any portion of Her Majesty's subjects. The Act was passed unanimously by both Houses of Parliament of Canada and has been earnestly pressed by the Government of Canada upon the favourable consideration of your Majesty's Government.

My hon. friend was here when the address was passed, although he was not here when the Act itself came before us. Why did he not raise his voice on behalf of the authors and publishers in Canada then? Because he must have felt, as everybody else felt, and as we yet feel, that it was a right law. It does not legalize piracy. We say to the English and foreign authors: "You shall not play the dog in the manger. You have a perfect right to obtain copyright here, but if you refuse—if you will not print the book after you get your copyright, and if you will not copyright in Canada and print and publish there after a certain time, we will seek by license to do it, giving you the fair royalty of 10 per cent on the product of the work which we engage in." How does that compare with the position of the question in the United States? The publishers of that country can print their works there, and without having to print and publish them in Canada, can circulate them throughout the Dominion, while we cannot do so in the United States, unless we come under their Act and set up the type and print books there.

Hon. Mr. BOULTON—Would the hon. gentleman like Britain to deal with his ships in that way?

Hon. Mr. KAULBACH—I cannot understand the interruption. The hon. member will not contend that we have the same rights in the United States that they have in Canada, as to making, printing and publishing books. The principal expense of publication is in setting up the type and the plates for the books; when the stereotype work is done, you can print any number. The United States publishers have a monopoly of our market and we have access to theirs. Then what have we to do with England? The copyright can be procured in England and a book can be printed in the United States and circulated here while we cannot do likewise. The publishers in the United States stipulate in the agreement with the English author, that they shall have the Canadian market; they have the monopoly of the whole of our market and we are perfectly powerless in their hands; I am surprised at my hon. friend standing in such a unique position so adverse to the interests of those for whom he pretends to speak. Under the present condition of things, we are in effect prohibited from reprinting English copyright works, and must purchase in the United States or do without them. What we mainly want is to reprint English and other works, unless the owners of the books print and publish them here within a reasonable time. If this were a debating society and had not the responsibillty of legislators I should like to hear my hon. friend discuss this subject, but we must remember that solemn responsibilities are cast upon us. I think my hon. friend has fallen short in presenting the interest of the authors and publishers. Nobody has asked him to do it. He cannot show me

one paper that has taken his view of the matter. He must see that he is diametrically opposed to the interests of Canadian authors and the printers and publishers. I I cannot imagine how my hon. friend can take the view he does when there is such a consensus of opinion in both branches of the legislature and throughout the country that we should have in Canada the right not only to print our own works, but if English and United States and other authorities will not publish in Canada, that we should have the right, after giving them proper notice, to publish ourselves. That is the position we have taken throughout, and there has not been a discordant voice in all Canada until my honourable friend comes up and advances his peculiar views in this House. The last time our lamented chief, Sir John Thompson, went to England, that was one of the things that he went to accomplish—to have this law put on the statute book. His untimely death prevented his doing it, but I think the government will now press for that right. We have a right to make our own copyright laws and I hope the Minister of Agriculture will see that this injustice shall no longer exist.

Hon. Mr. POWER—I am surprised at the speech which my hon. friend from Lunenburg has just made. I do not always agree with him, but I have always given him credit for many good qualities, and one which I think characterizes him to a very great degree is gratitude. The speech that he has just made is an instance of the most flagrant ingratitude. The hon. gentleman from Shell River has given him an opportunity of making the best speech which he has delivered this session, and instead of thanking that hon. gentleman, he proceeds to denounce him in very strong language. It was hardly parliamentary for the hon. member for Lunenburg to ask for the credentials of the hon. gentleman from Shell River. That hon. gentleman has brought before the House, and discussed in a very intelligent and, to a certain extent, unique manner, as my hon. friend from Lunenburg says, a very important question. The hon. member from Shell River, as I understand him, did not profess to speak on behalf of the publishers of Canada; he spoke I think on behalf of the authors of Canada.

Hon. Mr. BOULTON—Hear, hear.

Hon. Mr. POWER—He advocated the interest of the authors of Canada, as he understood it; and every member of this House has the right, without holding a power of attorney from any particular class or individual, to advocate what he believed to be the interests of that class or individual. The hon. member from Lunenburg very often gets up here and advocates certain policies which he alleges are in the interests of the fishermen of Lunenburg county He never exhibits a power of attorney from the fishermen. The hon. member from Shell River seems to be pretty familiar with his subject; just as much so as the hon. gentleman from Lunenburg is with the fisheries. I do not propose to discuss the subject before the House at any length, but I have thought it my duty to call attention to the extraordinary behaviour of the hon. gentleman from Lunenburg. With respect to the question before the House, I have only one or two observations to make. I do not profess to be in a position just now to judge whether the policy indicated by the hon. gentleman from Shell River is a better policy than the one embodied in the Canada Copyright Act of 1889 or not. I think there is something to be said on both sides. The hon. gentleman from Shell River has shown that there is another side to the question, and that is a very important point gained; but I feel that whether the Act of 1889 was right or wrong, whether it was a wise or unwise procedure in the interest of Canada, there is no doubt but that it came within our province. Under the British North America Act we have the right to pass such a statute, and as a member of the parliament of Canada, I feel great regret that the Imperial authorities have not up to the present time allowed that Act to go into operation. I do not say whether the Act was a wise one or not. It may have been foolish, just as our tariff policy is foolish, but as the Imperial government allowed our tariff policy, which was felt to be unwise, and which they knew to be injurious to the Empire, to go into operation, I think they should have allowed this Act to go into operation also, and after we learned wisdom, we could amend it as we pleased. On that point I feel that the Imperial authorities are not treating Canada as she should be treated, and as far as that goes I am at one with the government and the other gentlemen who are insisting

that this Canadian Act shall be allowed to go into operation. We can repeal it or amend it as we please, but we have a right to pass it, and I do not think the Imperial authorities should interfere with the exercise of that right.

Hon. Mr. ANGERS—The government has no objection to bringing down any papers in the public Archives which have not already been printed and laid before the House. I might briefly state that there is very little new matter, or correspondence exchanged between the Imperial Government and the Government of Canada, since last year. The late Sir John Thompson was to meet the Imperial authorities to discuss with them the main question of the copyright. He was unfortunately summoned away, and we were deprived of his valuable services. Since then the Colonial Secretary has sent to Canada an invitation that we should send over a representative to discuss the question with the authorities on the other side. To this we have expressed our willingness, and an Order in Council has been passed within the last week or so appointing a fit and proper person, who was going to England on some legal function, to appear before the authorities there and discuss the position that Canada intends to hold in the matter. The main question is this: Has Canada the right to legislate upon copyright, as we have the right to legislate about tariff or any other matter that the Constitution has given us? I agree fully with the remarks made by the senior member for Halifax, that the main question is not whether the statute was a wise one or whether it should be amended, but it is, has Canada the right to legislate upon this subject?

Hon. Mr. BOULTON—Is it wise to belong to the Berne Convention?

Hon. Mr. ANGERS—Is it wise to belong to the Berne Convention? Is it wise that we should amend our statutes, that we should adopt another, that we should take legislation from the authors and printers in England without any reference to the interests of our authors or our printers on this side—these are questions which I am not at liberty to discuss at present, from the very fact that the government is now in conference with the home authorities upon all those subjects. Therefore, we have no objection to bringing down the papers, but there is strong objection to the matter being discussed by any member of the government during the conference which will take place presently.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, 10th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BILL INTRODUCED.

Bill (J) "An Act to amend the Act respecting certain Female Offenders in the province of Nova Scotia."—(Hon. Mr. Power.)

## BRITISH COLUMBIA PENITENTIARY.

### INQUIRY.

Hon. Mr. McINNES, (B.C.)—Before the orders of the day are called, I should like to ask the Government when those papers in connection with the Royal Commission held last year to inquire into the irregularities in the British Columbia penitentiary, for which I moved some time ago, will be brought down. I mentioned the matter the other day to the premier, and he promised to ascertain when they would be produced. It is now over six weeks since I moved for those papers, and it surely ought not to take so long to prepare the return.

Hon. Mr ANGERS—The papers are being prepared. It is an extensive record, comprising, I believe, over 500 pages of type-written matter.

Hon. Mr McINNES (B.C.)—The hon. gentleman will bear in mind that the return was brought down in the House of Commons some time ago, and I have been unable to get a copy of the evidence. It cannot take very long to prepare the return for the House.

## THE DESCHÊNES BRIDGE COMPANY'S BILL.

THIRD READING.

Hon. Mr. McCALLUM, in the absence of Hon. Mr. McLaren, moved the third reading of Bill (30) "An Act to incorporate the Deschênes Bridge Company."

Hon. Mr. POWER—When this bill was reported from the committee, I asked the hon. gentleman to postpone the consideration of the amendments until to-day. I wish now to direct his attention to the fact that one of the amendments made in committee is incorrectly reported in the minutes. I presume it is simply a printer's error, but it will be well that there should be no mistake about the words that are used here.

Hon. Mr. McCALLUM—I see no reason why the third reading of the bill should be postponed.

Hon. Mr. POWER—I do not wish it postponed.

Hon. Mr. McCALLUM—Is it not a desirable work to be constructed in the interest of the country? There is not another bridge across the Ottawa for 40 miles, and why is this bridge project obstructed in this way? There must be an African in the fence somewhere. The hon. gentleman from Ottawa has a notice of an amendment on the paper; he had better move the six months' hoist at once if he wants to kill the bill. What is his object? Somebody has got a charter to build the Ottawa Barge Canal. I remember once reading about a young lady who lived near the river. There was an opening in the fence fronting the river. The lady wanted to get married but she said: "Suppose I get married and have children, and they should have children and another generation should arise and some of my grandchildren should get through this opening in the fence and get drowned, what would become of me." The objection of the hon. gentleman is of a similar nature. We can deal with the Ottawa Barge Canal when somebody undertakes to build it. The whole object of the amendment is to delay the bill. The promoters of the measure are satisfied with it and the government of the country, the guardians of the peoples' rights, have allowed it to go through, and it is not fair to load down the bill with such an amendment. As a rule the hon. member from Rideau and the hon. member from Ottawa are as far apart as the poles are asunder, but they are united on this question—why? I begin to suspect that it is not exactly in the public interest. They want to keep up the present non-intercourse between the two provinces in order that people for 40 miles up the river may be brought down to Ottawa. The promoters of this bill are in earnest—they own the property on both sides of the river, and they are prepared to go on and build the bridge. I am satisfied that the House does not want to impose any condition that would keep them from proceeding with the work. Let the hon. gentleman from Ottawa move his amendment and the House will soon dispose of it.

Hon. Mr. POWER—I regret very much that the hon. gentleman should be under the impression that I have the slightest desire to delay his bill. I did not propose to move any amendment, or to refer the bill back to committee—I simply called the attention of the House to the fact that an amendment made in the Committee on Railways and Canals was incorrectly printed in the minutes, with the object that the clerk at the table might see that the amendment was correctly entered. The hon. gentleman sees several men in buckram who are opposed to this bill. He is quite mistaken. There were some amendments made to the bill in committee; that is not an unusual thing, but the hon. gentleman himself pursued a rather unusual course in moving that the amendments made in the committee be concurred in when the report was presented to the House. The wisdom of postponing the concurrence in the amendments is proved now. I find some of the amendments incorrectly recorded in the minutes, and it is well for those who are interested in the bill that it was not read the third time on Friday, because now the corrections can be made. It is best to take the usual course, and when amendments are made to give time for their proper consideration.

Hon. Mr. McCALLUM—There may be an "i" that is not dotted or a "t" that is not crossed, but that is no reason why the bill should be delayed. It is usual when amendments of a private character are made to a bill in committee to concur in them

without delay and let the bill pass. The amendments do not affect the public at large, but the hon. gentleman wants to show that he is a lawyer—he is educated to find fault. Of course I have no objection to his doing so. He opposed the bill from the start, and he raised this question at the very beginning, and warned the committee against passing it in its present shape. In the committee the hon. gentleman voted for this amendment, of which we have notice on the paper, and got only four votes altogether. I believe he will not get any more in this House when the unreasonable amendment is moved.

Hon. Mr. SCOTT—I beg to assure my hon. friend from Monck that he is entirely mistaken in assuming that I intend to offer any opposition to the bill. I did not oppose it at any stage, and I do not wish to oppose it now. When the bill was before the committee, reference was made to the fact that there was another bill asking for a bridge across the Ottawa. I stated then, and I state now—and I think all persons who give the matter any consideration will agree with me—that it is not desirable to multiply bridges if parties in the locality could agree upon one bridge. Make it wider if you like, but make them agree upon one bridge. With a view to accomplishing that object it was suggested—not by me, but I supported the suggestion—that the bill should stand till the Aylmer and Ottawa Railway and Bridge Company's bill came up, and that was the feeling of the committee. When the order was called at the last meeting of the committee, the other bill for building a bridge alongside of it was not before the committee ; and so the friends of this bill determined to push it on. Of course they had a perfect right to do so, but I thought it could stand. It was not with the object of obstructing it in any way. If an amicable arrangement could not be made for one bridge, I was not going to insist upon my view. It is a possibility—and I hope a probability in the future—that there will be a canal built there. Forty years ago this country voted a considerable sum of money for canalling the river at the Chats, and a large sum was expended. I had the pleasure of voting for that expenditure ; but in 1859-60, owing to the fact that we were then paying 8 per cent for our money, there was a feeling in the Ottawa district that any moneys that could be spared should be devoted to the construction of the buildings here, and the canal scheme was dropped for the time, notwithstanding the large expenditure that had been made. That scheme has been revived again. It is not a scheme which can be lightly thought of, because the canal would be of immense advantage to the whole country. It would shorten the route and lessen the expense. I am not going to discuss the matter, but in view of that project, if both parties insist upon having bridges, it seems to me neither company should make it a subject of damages if the bridges should be converted into swing-bridges. If both insisted on having bridges, it seems to me that they should take them under that condition. I proposed the amendment to the bill, and I thought it was not unreasonable. I am not going to thwart the bill, or interfere with it in the least ; I am not going to take the sense of the House, because the committee was so largely against the proposal that I am convinced it would be no use. I therefore bow to the sense of the majority of the committee, but I think it is a matter that the government should take cognizance of, when the plans come before the government. I do not think they would be justified in taking the stand that they should pay for these alterations, if it should ever become necessary to make them. There is now no project for the canal before the government, and they probably do not regard it as a possible enterprise. The committee maintained that it was the duty of the government to take cognizance of it ; and I said no, it was the duty of Parliament to take cognizance of it, and so the motion was voted down. The proposal had only four supporters. The amendment was :—

That should the proposed canal be built along the Ottawa River, then in that event any necessary alterations in the construction of any part of the said bridge shall be borne by the company, and such alteration shall not form the basis for any claim for compensation or damages.

I did not think it was a serious block to the enterprise, because if the canal were constructed the swing bridge could be built.

Hon. Mr. McCALLUM—The hon. gentleman is making an argument which should not have any weight. If these men are going into the markets of the world to borrow money to build this structure with a charter loaded down with this provision, it would only be necessary to boom the Ottawa

Canal and they could not get money anywhere to build their bridge.

Hon. Mr. SCOTT—I am not going to discuss that matter. I do not think it would be any cloud on the attempt to float the bonds, because it is not a matter of such supreme importance. I have no doubt the sense of the committee is the sense of the House. I have simply called the attention of the government to it, so that when the plans come to be considered the reponsibility will be thrown on them. I do not therefore propose, as there seems to be such a desire to get both bridges, to put my amendment to a vote.

Hon. Mr. ANGERS—I think the discussion upon this point has arisen out of a misunderstanding. In the minutes of proceedings of the House, the amendment reads "trains" instead of "trams," and the hon. member for Halifax has drawn the attention of the House to the fact. If the error appears in the bill in the same way it should be corrected. I think he was quite right in stating that there was an error in the minutes of the House. I have sent for the bill and I find that the amendment made by the committee has been properly entered in it, and consequently there can be no objection to the third reading of the bill unless some other motion is made.

Hon. Mr. SCOTT—No other motion can be made.

Hon. Mr. VIDAL—I wish to assure the House that the committee in rejecting the proposed amendment did not act hastily or without consideration or a knowledge of the circumstances surrounding the case. As a matter of fact, the canal which was spoken of has never been contemplated to go in that part of the river which it is proposed to bridge. The plans, specifications and examinations made under the expenditure to which the hon. gentleman from Ottawa referred, all place the site of the canal half a mile inland from these rapids. I went to visit them on Saturday for the purpose of making myself personally acquainted with the surroundings, and I am perfectly satisfied—although nothing is impossible to engineering skill—that it would be impracticable to construct a canal via the Deschênes Rapids to bring vessels from above the Deschênes Rapids to below the falls here in the city. It could not be done, whereas taking the canal through the land they could make it of any required capacity. So the building of these bridges, in my judgment, should not be interfered with, because of the impossibility of a canal being made in the bed of the river.

The motion was agreed to and the bill was read the third time and passed.

## THIRD READINGS.

Bill (57) "An Act to incorporate the Trail Creek and Columbia Railway Company."—(Hon. Mr. Vidal).

Bill (28) "An Act to incorporate the St. John River Bridge Company," as amended.—(Hon. Mr. Poirier).

## THE JARVIS DIVORCE BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the adoption of the 13th report of the standing committee on divorce *re* Helen Woodburn Jarvis relief bill.

The motion was agreed to on a division.

The bill was then read the third time and passed.

## OTTAWA AND AYLMER RAILWAY AND BRIDGE COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (54) "An Act to incorporate the Ottawa and Aylmer Railway and Bridge Company." He said: This is a bill very similar in its character to the one relating to the Deschênes bridge, which we have just passed. The object of this company is to construct a line of railway from the western limit of the city of Ottawa to a point on the Deschênes or Remoux Rapids, to bridge the Ottawa and to extend the line to connect with Aylmer and Hull, and possibly later on to extend the road along the shores of the beautiful Lake Deschênes. It will afford means of transportation to many who are now without any such facilities. Britannia is a popular summer resort, and Aylmer contains a considerable population. With the extension of this road along the shore of Lake

Deschênes, many beautiful localities will be utilized for summer residences. The project is in the interest of the whole community and should meet with the unanimous approval of the Senate. I do not care to discuss the bill which we have just passed, but I had been in hopes that the two companies would agree upon one bridge instead of erecting two separate structures. However, the matter will be brought up in the Railway Committee and I have no doubt that everything will be arranged in a manner that will be satisfactory to the Senate and the community generally.

The motion was agreed to and the bill was read the second time.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Tuesday, 11th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## INSURANCE ON LIVES OF CHILDREN.

INQUIRY.

Hon. Mr. McCLELAN rose to

Direct attention of the Senate to the crimes said to have been developed from the practice of effecting "insurance on the lives of children, and those incompetent to make personal application for such insurance," and ask the government if they propose to take any measures to restrict or prevent such practice.

He said:—In calling attention to the subject of life insurance, I beg, at the outset, to disclaim any interest therein personally. I have no connection with life insurance companies, and, therefore, I am not biassed by personal interest. Insurance in its various forms is very general and extensive, permeating every portion of the community. This is not surprising in view of the character of the insurance companies and the numbers and intelligence of their agents throughout the country, and considering also that the press and even the pulpit encourage life insurance. Even as regards marine and fire insurance, I think the House will agree with me that however much good may arise from the protection thus afforded to property, there is a certain amount of evil arising from the system. But while occasionally a house may be burned or a ship scuttled for the purpose of gain, we must regard these as exceptional cases, and believe that human nature is not, after all, so bad as it is painted. But those are not cases in which the life of a human being is involved. Life insurance has special characteristics in which it differs from insurance in its general form. Life insurance as a whole demands the consideration of the government and of parliament. It has become so univeral that no parliament or government can venture to infringe on the prerogative of the insurance companies or interfere with their business since the most influential elements of society favour it. Even from the pulpit we are sometime taught that after having performed all the duties and displayed all the virtues set forth in the book of books, we should as a matter of duty put our trust for worldly prosperity in incorporated insurance companies. The subject which I bring up to-day, however, is one that does not affect life insurance generally. It relates more particularly to a form of insurance which has not yet obtained so strong a foothold in Canada as in some other countries—the insurance of people who are not competent to make personal application or perform any of the functions of one party to the contract. I refer particularly to infants, and when I use the term I do so in its legal sense. To effect insurance on the life of a minor, or any one not fully competent to be a party to the transaction, should in my opinion be considered a misdemeanour. Not only is infantile insurance separate and distinct from general life insurance, but in this country, where that class of business has not been transacted to any extent comparatively, it would be an advantage to the older societies to legislate against it, because I am quite convinced that if this form of insurance continues to increase and grow, there will be, among those

who look more to the philanthropic advancement of their fellow-beings than personal gain, a strong outcry against it which might extend even to the general principle of life insurance on adults. In bringing this subject to the attention of the government it might be expected that I would at least give some instances of the effect of child insurance in other countries where it has been thoroughly tried. I find that in the United States, according to the Boston *Herald*, there are over seven million children who are subjects of life insurance, that in Massachusetts alone there are over one hundred thousand children under ten years of age who are insured, and I think in very many states of the union, the Metropolitan, a large company whose agencies extend largely over the country make a specialty of child insurance. In only one state has the legislature intervened to prevent this business; that is the state of Colorado. Many prominent men in Massachusetts, occupying the very highest and best positions in society, have investigated this matter with no object of gain whatever, but simply influenced by christian humanity and philanthropic feelings, and I shall give the views of some of them. The statements which I am to quote were made before a large committee of the legislature of Massachusetts, when a bill prepared by the humane societies, to prevent infantile insurance was under consideration. The bill was placed before a committee, and evidence on both sides was heard. The committee reported in favour of the legislation petitioned for. However, when the bill was reported to the full House it was rejected. The insurance companies, with the influence which they had in the press, and other influences which are possible there, though not possible here, brought to bear on the members of the legislature, succeeded in defeating the bill, and yet there were 23 gentlemen connected with that legislature who had heard the statements on both sides, who favoured that enactment.

Hon. Mr. ALLAN—Do you mean that the bill was defeated by the action of the insurance companies.

Hon. Mr. McCLELAN—That is my opinion. The legislation was founded upon a petition signed by two thousand citizens of Massachusetts, comprising legal and medical men, clergymen, men and women who control institutions of charity in Boston and other cities of Massachusetts. The statements made before the committee were so explicit that it is not surprising that they reported favourably upon the bill. I will refer to one or two of the statements made before the committee. Dr. Charles Mack, of Boston, gave testimony in favour of the bill, but his evidence was not so strong as that of others. Then the Reverend Father Munday, of the Church of Annunciation, Cambridgeport, was next called. He said that he had come in contact with the poorer classes. In one or two cases, where mothers had told him that they were unable to procure medicine for their sick children, an insurance man came and collected money for premiums. He did not think life insurance of this kind should be allowed, as it was a premium for a funeral, rather than to preserve life. There is a temptation to these poor people to neglect their children, and he could not see why the law should allow a system to be in use that causes neglect to the living to secure money to pay for a stylish funeral. In answer to a question by representative Davis, Fr. Munday said he had personally met but two or three cases in which there had been neglect, where the children had been insured.

Mr. George T. Angell, president of the American Humane Educational Society, said to a reporter of the Boston *Herald:*

If what I find stated in a report of the state board of health in Tennessee is true, the business, it seems to me, is simply infernal, and our legislature should enact a law to send to state prison any man who engages in it.

Dr. Samuel Boyd, secretary of the state board of health in Tennessee, states that he has been watching the growth and tendency of parents to commit this crime, and that the results of his observations are appalling to him. Dr. Boyd says:

"There is no doubt that many children have perished in my city (Nashville) for lack of proper treatment who would have been living today if no inducements of a pecuniary nature had been held out."

He further says: "And many, too, have in my opinion been murdered outright for the purpose of getting the insurance. I have seen many cases full of horrible suspicion."

The chairman of a special committee on the subject of 'Child Life Insurance,' Dr. Daniel F. Wright, calls attention to an alarmingly great increase in the amount of child murder for the sake of trifling sums of money obtained under such policies. He says:

"Were the statements not well substantiated they would be almost incredible. The means employed for the murder of the innocents is generally

no more violent than the withholding of a mother's care, starvation and the lack of medical attendance. We are told that conviction for the crime can seldom be secured, although abundant circumstantial evidence can be presented."

"Why is it not possible," continued Mr. Angell, "for a charitable society to take charge of the burial of the children of poor parents for one-half the charges of the insurance companies, not paying any money except for the actual purposes of burial?

"For my part, I cannot understand why, if persons in Boston are too poor to bury their children, the city should not give them at its own expense a respectable and proper burial in either a Catholic or Protestant cemetery, as may be desired."

Then there is an article from the Boston *Herald* against child insurance from which I will read some paragraphs. This is from Mr. Charles Coolidge Read, who was the counsel on one side against ex-Governor Long, who opposed the bill in the state legislature. In opening the case for the petitioner, Mr. Read read the names of some of the petitioners, to show, as he said, the character of the people who are asking for the legislation. They include representative men from all walks of life. He said:—

The society which I primarily represent has no personal interest in the matter. It is engaged in caring for and looking after the children, and its only interest in this question is whether or not insurance is for their safety and welfare. We have no desire to oppose industrial insurance except so far as it relates to children under 10 years of age. We do not base our case upon any claim that murders are being committed every day as the result of issuing policies on the lives of children; but we do believe that cruelty does frequently follow such insurance.

Money that should buy bread to sustain life goes to the insurance agent, and the result is that children, in many cases, are improperly fed and clothed, when, if it were not for these payments, they would be better cared for. In cases that have been brought to light, the diet is largely baker's bread and tea; and their chief motive in this method of saving is that a grand funeral may follow in case of death. In fact, the money that ought to go to the care of the children finds its way to the pocket of the undertaker.

It is among the poor and ignorant people that the agents representing industrial insurance companies circulate. They have many sharp, shrewd, enterprising men in their employ, who go among this class of people, instructed to make a house to house, floor to floor, and room to room canvass, and to secure insurance upon the lives of every one they meet.

The speaker drew a graphic picture of one of these agents going to a poor, ignorant family and urging the mother to take out insurance in order that, if her child is taken away, it may have a white casket and be borne to the grave in a white hearse with white plumes, instead of being buried in a pine box.

He instanced the case of a woman in Lynn, who was approached by an agent and asked why she did not insure her children. The mother replied that her husband was out of work, and she could not afford it. The agent replied by advising her to scant them on their food and put them to bed without supper, in order to save money to insure them. "That woman," said the speaker, "did not insure her children, and I will have her here to testify before the hearing is closed."

It is a wrong for these sharp, shrewd agents to visit these people, and present the arguments they do for insuring the children. This five or ten cents a week paid for insurance is so much taken from the bread of the family, and goes largely to the insurance companies to build marble blocks and costly offices.

Then here is another extract:

This business is morally bad, and ought to be stopped by the legislature. It is cruel to the children and demoralizing to the parents; and, besides, it is unfair to the public charities of the state who provide food to the poor families whose money goes to the insurance agent. It would be far better for these poor people to learn thrift by putting money into the five cents saving bank, or giving it into the Society for Home Savings, than to buy insurance as they do now. But this is not simply a question of figures, but a moral issue affecting not only the parents themselves, but their children, and is worthy to receive the most careful thought of all who are interested in the public welfare.

Speaking of the income of these companies, the following article, from the Christian *Register*, furnishes interesting information:

Here we find actual payments on account of lapsed and surrendered policies of only $212,813,-62, largely, moreover, on non industrial policies: whereas the full net reserve alone is $14,998,083, and it is admitted that hundreds of thousands of this company's industrial policies lapse every year. In 1894 the number was 1,637,030. It is evident that, if the payments on lapses and surrenders were increased only five fold, by giving full credit for reserve on all lapses the company's surplus, which is shown to be only $661,744.72 in excess of the guarantee capital, would be wiped out, which is equivalent to saying that the lapses go to help pay the expenses or make their payment possible. Thus we see no reason to retract the substance of our remarks. The companies of other states are not legally limited at all as to forfeitures, and the John Hancock is so limited only after two years; whereas the entire average duration of industrial policies probably does not exceed, if it equals four years. Since Gov. Long's reply was written we have taken pains to verify again the statements and figures there quoted by reference to the reports of the Insurance Commissioners of New York and Massachusetts. The statement we made that, of nearly $1,900,000 received monthly, nearly $1,100,000 monthly, or nearly 60 per cent, is absorbed in the cost of the business, is substantiated. Gov. Long's defence that this includes the amount required to be held as reserve is incorrect. The totals referred to are

made up chiefly of agents' commissions, salaries, medical examiners' fees, and similar items.

Setting aside the whole question of the neglect of children alleged by the Society for the Prevention of Cruelty to Children, it seems to us that the enormous cost of industrial insurance compared with the returns which the insured obtain from it is one of the greatest objections to the system. We believe in encouraging thrift among the poor, but by some better method than this enormously expensive way; and, if the state has the right, which it now freely exercises, to protect the insured and assure to them a fair return for what they invest, it certainly has a right to extend this protection here.

Rev. Chas. Mack, of East Boston, who appeared before the legislative committee testified that he was called to a baby farm, and at that time there were three babies, a boy fourteen years old. All were insured and all neglected. He spoke also of another case at No. 15 Adams street, Roxbury, where a child died under one year of age, and was insured. It died from neglect. The medicine left was spilled, and the child was not given proper food.

Before the same committee Mr. Frank B. Fay, general agent for the Massachusetts society for the prevention of cruelty to children, said:

This question of child insurance came up before us a few weeks since by a letter from Tennessee asking us if our society was in favour of it. We made an investigation, and found as a result of our inquiries that we could not give it our approval. We believe that a child is more entitled to care when alive than after it has passed away. This form of insurance tends to please the vanity of parents of poorer classes, and they expend their money for providing for a showy funeral for the dead, rather than for the taking care of the living.

Mrs. Lucy P. Atwood, assistant general agent for the same society, was next called, and testified that she had been with the society for three years, and for nine years previous had been connected with the associated charities, she said:

In my opinion, child insurance is a decided evil among the poorer classes. I have a very large acquaintance among the poor families at the north end, and they have come to look upon me as their friend. I speak, therefore, for the children of my friends. I have often seen the money for the payment of the insurance lying on the corner of the mantel when there was no bread in the house, and I could not induce the mother to take the money to buy food. Never but once have I prevailed upon the parents to spend such money.

The witness told several stories of destitution and want that had come to her notice, in many of which five, ten or fifteen cents a week were spent for insurance, while charitable people were virtually supporting the family. She related a story of a child living with a stepmother. The child was insured, and there was most unwarrantable cruelty bringing her almost to the verge of starvation. The society the witness represented took the child away, and it was now being cared for in a good family. This child was insured, but when the child was removed the insurance was dropped.

"From my experience in cases of which this is a type," she said, "I do not at all believe in child insurance, and we have therefore asked the legislature to forbid the issuing of policies on the lives of children under ten years of age."

Miss Myra Frenyear, an agent of the Associated Charities for seven years and a visitor of the Children's Aid Society, was next called. She said at the outset that her belief was that it is wrong to insure children of any class, rich or poor. To her it seems unnatural, for it can be of no benefit to the children. Child insurance flourishes among the poorer people, who, in many cases, are helped by public and private charity.

I have 575 families in my care to-day, she said, and have visited very much among the poor. Living on Mendora street, near the Roxbury crossing—one of the very poor, short streets of the city—there are 45 families, having 195 children, of whom 15 are too young to be insured; 75 are known not to be insured, and in regard to 4 it is not known whether they are insured or not. The remainder—101—are all insured.

My investigations in general lead me to believe that more than half the children of poor families are insured, and the average age is about 5 years.

The witness cited the fact, also, that of 119 families tabulated in ward 22 there was no insurance in 29, in 16 the insurance had lapsed, two families had paid-up policies, and 72 families were carrying insurance. Of 444 children, 149 of the insured were more than and 74 were less than ten years old. In a given period the number of deaths among the uninsured was 11 and among the insured 33.

Miss Frenyear at this point began to cite cases of wretched destitution in large families where the children were insured, and in many instances went hungry in order to save money to pay the premiums. One case which she discovered last Thursday was of a young couple, aged 20 and 24 years, with two children. They had recently come from New York and were in utterly destitute circumstances. A ten-cent can of condensed milk was the food of the children for a week. Insurance had been placed upon these children since they came here, three months ago.

Five children out of six, in another family, were insured at 55 cents a week. A pint of milk a day was all they could afford for food.

In another case, several members of a family were insured, the premiums amounting to 85 cents a week. They had paid in a total of $186.50. An undertaker is now paying the premiums and has the policies.

In another family were four children under 10 years of age, all insured.

The Rev. Albert E. George, of St. Matthew's Church, South Boston, said that he knew personally of starving families in which premiums are paid on the lives of young children who are regarded as an encumbrance. He promised to prove that in one instance, at least, an undertaker and the insurance agent had divided profits after the death of a child.

Richard H. Dana, whose standing made him an exceedingly trustworthy witness, said there was no truth in the claim of the companies that they do not seek insurance in the slums. Their canvassers go wherever there is a prospect of making a dollar. The $28 which the parent receives at the death of his child is to him an enormous sum, larger than any he ever saw, and it affords great temptation for desiring the death of the child. Ex-Governor Long, counsel for the companies, in attempting to make a point out of an admission by the witness, was badly worsted. Mr. Dana having allowed that the charitable society savings banks answered all the purposes of the insurance companies, Mr. Long insinuatingly asked: "If the families pay ten cents a week to these organizations, does it not deprive them of food just the same as if they were paying it to an insurance company?"

"Yes, sir," was the reply, "but they are not compelled to lose all they have paid in case of failure to pay, nor are they encouraged to pay when they need the money for food."

"Can they draw out the money when they want it?"

"Yes, and they do not have to wait till the child dies, Gov. Long."

Dr. Florence Leach, who has a large practice among the poor, multiplied harrowing details of suffering in families where the lives of little children were insured, until the committee told her it was more than satisfied and told her to stop. One case was that of three young children who were insured; the family was in a starving condition. The mother said, when asked why she paid twenty-five cents a week insurance, that if the child died she wanted it to have a good funeral. One bright boy of eight in a family that depended on begging for support, and where fifteen cents a week was paid for insurance, remarked when another child was born, "One more to beg for!" A woman who had pawned her furniture to obtain money to pay the insurance on the lives of her children said that her reason for doing so was that if a child died she would have a good funeral and ride in a hack.

These are of course all statements made by parties who favoured the legislation in Massachusetts and it might be thought that I should not particularly refer to them, but there is no way in which I could bring this subject so clearly before the government, as by citing these instances of how the business has worked in other places. I will now read from an article from a Connecticut paper headed: "Premium on murder, insured babies killed by inhuman parents, danger in the practices of industrial companies."

New Haven, Ct., March 10, 1895.—City Attorney Fox of this city has called the attention of insurance commissioner Mansfield to a practice on the part of certain life insurance companies which he believes to be full of danger.

The insurance companies in question are those which conduct what are known as "industrial departments."

Mr. Fox laid some startling facts before the commissioner, and urged him to consider the advisability of securing legislation whereby poor people who take out these small policies on weekly payments may be protected from loss and deception.

Commissioner Mansfield will take some steps to bring about a change in the present system of industrial insurance.

One of the most telling arguments that Mr. Fox brought to bear on Commissioner Mansfield was the danger of crime resulting from companies insuring babies.

Mr. Fox is satisfied, from facts in his possession, that many babies who have been insured have been put out of the way in order that the parents might secure the insurance money.

Many cases of this nature have come to the attention of Mr. Fox, but in none of them could the evidence be gathered sufficiently to warrant a prosecution for murder.

Now those are some of the statements made by prominent people before the legislative committee, and show how the system works so far as Boston and Massachusetts are concerned. Now with regard to child insurance in England, I have some further information to give. It is stated last year there were 4,500,000 children insured in England. Of course child insurance in that country has been in existence about twice as long as it has been in the United States. Every hon. gentleman in this chamber knows how difficult it is to procure legislation restricting the business of societies incorporated as these have been, with large capital and extensive powers and which have been doing business for a long period. It is almost impossible after the business has become a part of the social fabric to a large extent, to provide by legislation a corrective which would impair their business. In the motherland, on several occasions parliament has been asked to appoint a committee to investigate the evils existing there in connection with the insurance of children, and on several occasions benevolent societies have succeeded in getting partial legislation. For instance, they have succeeded in getting the limit raised from six years to ten years. They have also by stating who shall be the beneficiaries taken away from inhuman parents the inducement of gain. I refer hon. gentlemen to an article in the London *Lancet* of January 1895, in which a very strong opinion is expressed in opposition to the principle of allowing children to be insured. I will now read from the Journal of the Royal Statistic Society of March, 1894, an extract from a prize essay written by Hugh R. Jones, M.A., M.D., D.P.H., Cantab, B.Sc., Honorary Ass. Surgeon to

the Infirmary for Children, lecturer on Bacteriology, Royal Southern Hospital, Liverpool :—

The idea that child insurance is directly responsible for much of the waste of child life is very prevalent. For the last half century child insurance, either in the form of burial insurance or of life insurance, has been in existence, originating in Liverpool and other towns where high infant mortality prevailed. For the past thirty years it has been alleged that this child insurance tends to excessive infantile mortality, for in 1871 Mr. Curgenvan, giving evidence before the Select Committee on the Bill for the Protection of Infant Life, stated his belief that "children insured in burial clubs die in a much larger proportion than children not so insured." Other witnesses were of a like opinion. The committee stated in its report that it had been suggested to them "that no infant or very young person should be entered in a burial club or become the subject of life insurance."

The report of the Royal Commission on friendly societies in 1874, expressed the opinion that "infant life assurance, if badly administered, was mischievous," a fact which no one would venture to question, and added, "that if well administered it was not harmful but beneficial.

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The Rev. R. Waugh estimated that over 1,000 children die, or are made to die, every year for the sake of the insurance money. He estimates that 33 per cent of the children of the industrial classes are insured.

Further on the writer of this prize essay qualifies that view and fails to express so strong an opinion against child insurance as that particular clause would indicate. He refers to the evidence given by other witnesses of good standing. Efforts have been made several times in the course of the legislation in England to effect some amelioration of the evil. Before passing to the Canadian part of the subject, I want to read the following opinion given by Mr. Edward Atkinson, whose name will be familiar to many hon. gentlemen in this House as a leading insurance man. He said in his remarks before the committee on insurance :

It has been suggested to me to come here because it had been assumed that I had some knowledge of what might be called the philosophy, or even the psychology, of insurance. It is known to some of you that the department of insurance in which I have a leading position is devoted to maintaining the duration of the life of the factory, to maintaining it in a condition of health, of comfort and efficiency,—not to pay something on its death by fire, —that is an obnoxious incident due to the fault of the owner or the occupant, and to the want of care of the insured property. One of the most curious psychological observations that one makes is the difficulty which one has in impressing upon the owner or the occupant of property that he himself is the only one that can insure it against loss by fire, and that upon him develops the responsibility for the care and for the precautions intended to save that property. This curious tendency—and some of my friends of the stock companies who are on your committee know it very well—this curious tendency is that when the man has insured his property he puts the responsibility on the insurance company. He says, consciously or unconsciously, to himself, "I have got a contract of indemnity ; you have got our money ; now we will neglect the property,—we will put in anything and everything. We will allow benzine to be used in a most dangerous way ; we will not look after anything ourselves. It is none of our business; that is the insurance company's business." That is the most curious tendency of the human mind,—the most difficult thing to be overcome, when one, who has not been insured under our system, which tends to the preservation of the life and to the care of the property insured, is brought to a sense of his own responsibility.

Now, then, gentlemen, I know a little something of life insurance, I think it is prudent for every young man to begin, as I did, many years ago,—choosing preferably the life insurance company which charges the highest rates, and is conducted on the safest principles,—to put away a little saving with the view to present or prospective family ; not as an investment, but as an act of prudence.

As an investment, life insurance is subject, I think, to the heaviest charges and to the most costly system of administration of any great business that I know of ; I therefore do not believe in that kind of investment. But as a matter of prudence, for an adult who is in charge and custody of his own person, it is a wise and prudent safeguard.

Now we come down to this matter of child insurance, to which I have given, since it was forced upon me, not only careful, but, I might almost say, prayerful consideration. You are dealing not with property but with human life. If the tendency should be the same here as it is in respect to property, for any one to say, consciously or unconsciously, "The child is insured ; its care may be neglected, its health may be disregarded ; then, if the one who holds the policy realizes a profit by death, it is all right ; the insurance company has taken care of it,"—then it is your duty to regard that possible element, possible or probable or proved, whichever it may be. It seems to me, from what attention I have given to it, it has in some cases been proved. That is what you are to pass upon, bearing in mind that upon you rests the honour of the state of Massachusetts. If I were a judge, charging you as a jury, what I would say to you would be this : if there is a doubt—give it for life, not for death—if there is a doubt in your minds that by licensing child insurance of tender years you may promote death, notwithstanding the incidental benefit, notwithstanding all that may be put before you of what has been gained, the gain is not worth the price of the death of one single infant ; you, who hold the honour of Massachusetts in your custody, will see that you do not give warrant for the neglect of the feeble and the helpless, or the death of an infant.

Now, then, when you come to regard the question merely from the economic standpoint, what is your alternative ? Are there not savings banks in which the savings of the community can be put, provision for the funeral made ; are there not

organizations for promoting and soliciting the deposits of the poor in the savings banks without charge, without any element of personal profit and without the incentive of gain to those who lend themselves or give themselves to that benevolent purpose? We all know that there are. Now, if it costs, as it is alleged, a dollar or a dollar and a half, in the expense of conducting this system of insurance, for every dollar that is paid out in the alleged benefits, then weigh the relative merits of this with the systems for saving at the least cost or charge which are offered alike to every man and woman who is responsible for a child in this community, and choose which you will.

I can say nothing more. I think I have put in the case as it has presented itself to my mind as an expert in one kind of insurance, in which I am obliged to deal with the fundamental principles governing these contracts of indemnity, and the fundamental motives which, as men and women are constituted, may govern some members of the community. It is true that humanity is better than it is claimed to be; it is true that a vast number of those who insure their property, or insure their lives, or insure their children, are honest and sincere people who intend to do their duty. It is true that, in the commerce of the world, ninety-nine in a hundred would pay their debts whether there were any law for the collection of debts or not; it is true that, whether for self-interest, or from integrity, or from principle, the mass of men do rightly and mean rightly; but your protection is called for in defence against the one hundredth man—the one hundredth man who would defraud the insurance company by setting fire to his insured property; the one hundredth man who would cheat his creditor; and the one hundredth man who would neglect his child. He is the one to whom you must give your regard in framing the statutes of the old commonwealth of Massachusetts.

*Cross-examination.*

Q. (By Mr. Hollis)—Do you believe in a system of child insurance under any restrictions?—A. I do not, sir, having come to that conclusion because I give the doubt in favour of life, and not of death.

Q. (By Mr. Davis)—Mr. Atkinson, you wouldn't have us wipe out mill insurance because of incendiarism, but you think that child insurance ought to be prohibited because it is possible to result in the abuse of a child?—A. I think there is this curious psychologic principle that governs the human mind: that when people put over somebody else the responsibility, they neglect their own duties.

Q. That would be true of all kinds of insurance, would it not?—A. Yes; I think we should have much less loss in the community by fire if it were not possible to make a contract of insurance, but a contract of insurance is necessary to an extension of the business of the country and to the credit of the country, and therefore the gain is much greater than the loss, but there you are dealing with property and not with life.

Q. (By Mr. Maccabe)—Now, as a matter of fact, would it not impose more or less hardship on respectable people—would it, or would it not—if a bill were passed prohibiting insurance on the lives of any children, whether their parents were able to pay the premiums or not?—A. With all the opportunities that there are for receiving benefits from the investment of small sums, I think that they could find some other place to put the money that would pay them just as well, if not better.

Q. (By the Chairman)—Now, Mr. Atkinson, there is a moral hazard, a percentage of moral hazard, for every child that is born into the world?—A. Unquestionably.

Q. Now, do you think that that moral hazard would be increased by having the child insured?—A. I am constrained to say that I think there is a fraction of the community—how large I do not know—to whom that would be an incentive, and an increase of the moral hazard.

Q. (By Mr. Davis)—That is an opinion gained from what you have seen in the newspapers within the last three or four weeks?—A. It is an opinion gained not from what I have seen in the newspapers, but by taking the subject up and going through it in a certain philosophical way, and governed by my knowledge of conclusions arrived at in fifty-three years of experience.

Hon. Mr. KAULBACH—Was that the evidence given before the joint committee in Massachusetts?

Hon. Mr. McCLELAN—Yes, before a committee on insurance this year. Then referring to the *Christian Register*, which goes into figures to show that poor people, who think they are gaining something financially, are losing. They are paying $5 perhaps and certainly not getting more than $2.50, probably not that if the interest on the premium money was reckoned. In order to show that more particularly it might be well for me to give a little table of the industrial insurance lapses. Child insurance in this country is always called industrial insurance, and in looking up the returns to find some statistics in this matter, I fail to find any reference to child insurance. It is all industrial insurance. This article is headed:

Industrial insurance lapses as applied to the three companies operating in the state of Massachusetts.

These are taken from the returns furnished by the insurance commissioner and no doubt are correct:

John Hancock Co. Number of policies in this company which ceased to be in force at the end of 1894, by death, was 10,154, representing $999,404. Number of policies in this company which ceased to be in force at the end of 1894, by lapse, was 184,638, representing $20,878,319.

Evidently the contributions from the poor people have gone to make up this:

Metropolitan Company. Number of policies in the company which ceased to be in force at the end

of 1894, by death, was 57,633, representing $5,612,408. The number of policies which ceased to be in force at the end of 1864, by lapse, was 1,637,030, representing $208,290,063.

That is the Metropolitan—the largest company engaged in this class of insurance. I mention this because, in looking over the records of the Massachusetts legislature, I saw the statement made that only for the Metropolitan, which they considered their home office, they would grant the petition for the bill. They felt like it ; but their head office was doing a large business, and they could not give it up. Then I come to

Prudential Company. Number of policies in this company which ceased to be in force at the end of 1894, by death, was 1,603, representing $3,834,720. Number of polices in this company which ceased to be in force at the end of 1894, by lapse, was 1,345,097, representing $159,327,057.

There is a note to this :—

NOTE—Governor Long says: "The work of the industrial insurance companies is among the worthy poor, and asks that "the petition to prohibit insuring children's lives under ten years of age be rejected, because it deprives the poor of a genuine benefit." And yet, if over one million and a-half policies in one company lapsed in one year, does not that sufficiently show how the money of the poor goes into the expenses of the companies and not for the benefit of the poor?

Now here is an article by ex-Governor Long which gives his side of it and the answer to it. Coming to this Dominion, I have tried to get information, having given notice of this matter, which is somewhat new, but I have not been able to gather from the commissioners' report anything that seems to throw very much light upon it. Before reading the statistics I might quote from a recent article in the Ottawa *Citizen* :—

INSURANCE OF CHILDBEN — BOARD OF HEALTH MEMBERS CONDEMN THE PRACTICE—DR. ROBILLARD'S STATEMENT—THE PRACTICE IS INCREASING—CITY CLERK HENDERSON'S EXPERIENCE—THIRTY THOUSAND CHILDREN INSURED IN CANADA—RECOMMENDATION SHORTLY TO BE MADE.

The question of child insurance was discussed at a meeting of the board of health last evening, the members condemning the practice pretty strongly.

It was brought up by Medical Health Officer Robillard, who called the attention of the board to the fact that it was increasing. In a communication he stated: "But that there is a great temptation for the indigent and not over scrupulous parents to wilfully neglect to properly care for their offsprings under such circumstances, has been made painfully evident to me during the last year whilst in discharge of professional duties."

Ald. Cook remarked that the doctor's report was pretty strong, when the city clerk said: "It isn't stronger than is warranted."

A CASE IN POINT.

The medical health officer stated that in one case three children whose lives were insured, had died without being attended by a doctor. Then the city clerk told his experience the substance of which was given in the *Citizen* some time ago. He said one day an insurance agent came to his office with the father of a child who had died and asked for a certificate of the death of the child from a return presented. The return did not give the cause of death nor the name of the physician who attended it. Inquiry elicited the information that the child had not been attended by a physician, that it had been insured, that the father desired a certificate so that he could get the insurance on the child's life, and that the agent was perfectly satisfied that he should. The city clerk said he had told the agent that he thought it was a disgraceful proceeding and as he was not obliged to give a certificate he would not. The clerk added that an address given him by the father at the time was false, as he discovered when he made inquiries later on.

"It is the fault of the Act," said the clerk in conclusion, "and the legislature should be petitioned to abolish it. The Act is a disgrace to it. Insurance of children too young to understand what is being done should not be allowed."

30,000 IN CANADA.

Ald. Cook said he had read the insurance returns a few days previous and he saw that there were 30,000 child policies in Canada.

Ald. Stewart told of Mr. Kelso, of Toronto, writing him on the matter, when he had sent the particulars of a case aired in the police court.

WILL TAKE ACTION.

Ald. Payment and others expressed themselves to the effect that it was a practice that should be stopped as soon as possible.

The board will no doubt shortly make a recommendation to the effect that the legislature be petitioned to abolish the Act permitting the insurance of young children.

I have also found several articles in newspapers in Montreal and other places in condemnation of the practices which are being introduced.

Hon. Mr. ALLAN—Were those insurances effected in Canadian companies?

Hon. Mr. McCLELAN—I will come to that directly. I presume they are principally in the Metropolitan Company of New York, because they do the bulk of that class of business. The report of 1894 shows that the industrial policies of the Metropolitan in force are $2,932,064. Now how many of them are children? It is impossible to tell, because industrial policies are policies taken out on a whole family from the parents down to the youngest. Then the London Life has

17,000 of those policies, and the American Life has 11,000; altogether $2,061,000 of industrial policies, as I make it up from the commissioners' report. The gentleman in the Ottawa paper apparently managed to get more definite figures. He speaks about there being 30,000 children insured. I read recently an article which very plainly showed the actual profits of these companies, but it would not be new or interesting, because I dare say many hon. gentlemen are stockholders in those companies and know that the dividends are quite large, notwithstanding the enormous palatial residences that these companies erect. They pay salaries which reach as high as $75,000 a year to managers of those companies, and each company keeps a large staff of canvassers who necessarily are intelligent and capable men and who must be very well paid. We all know perfectly well the amount of expenditure made by these gentlemen, yet in addition to all that expenditure they are able to pay the stockholders good dividends each year, and that fact establishes the profitable nature of the business. There is one other subject to which I made reference, and that is the insuring of people without their knowledge, or "insuring on the quiet," as I believe they term it in some of the United States papers. That is to say, they take a risk on anybody's life on payment of the premium, and I am credibly informed that some agents, in the lower provinces at any rate, have proposed to do that in this country. Of course legal gentlemen would meet that by saying it would be useless because it would be illegal. My answer is there is nothing in the general law of insurance to prevent it, so far as I can discover. Then they will say there is no insurable interest and the common law of England will prevent it, but there is an insurable interest; if a man owes me money, and I have no other chance of getting it, and an insurance company agrees to take a risk on his life. If that man dies the debt is paid, and there is nothing to hinder a company from taking that risk. That is insuring people "on the quiet." My hon. friend from Ottawa says it could not be done in Ontario. I see nothing in the law to prevent it, and I know of nothing to prevent it.

Hon. Mr. ALLAN—Except this, that no respectable company would take it without a medical report.

Hon. Mr. McCLELAN—I have discovered many instances in Massachusetts in which insurance has been offered without any intimation to the party,—without any solicitation and without the knowledge of the individual. Anybody may be carrying on his life $50,000 and be as innocent of it as one of these babies to whom we have referred.

Hon. Mr. ALLAN—The only thing I was anxious to bring out was that the hon. gentleman was speaking of foreign companies. I do not believe there is any respectable Canadian company that would insure a child 5 years old.

Hon. Mr. McCLELAN—I am not making an attack on the companies at all. I am showing what is being done in other countries and it would not be at all surprising if it were introduced into this ocuntry. I have endeavoured to show that 30,000 children in this country are insured already.

Hon. Mr. ALLAN—By foreign companies.

Hon. Mr. McCLELAN. Yes, but the question is whether the Government should not make it a misdemeanour. That is the point of my reference. An ounce of prevention is said to be worth a pound of cure, and if I can show to this hon. House that evils have arisen from this practice in other places, although it has not obtained a strong foothold here, it is the duty of the Government, before it becomes an embarrassing duty to perform, to prevent the further introduction of the system. If it once attains the proportion that it has attained in Massachusetts, I can quite understand how difficult it would be to prevent it. The very fact of such legislation being rejected there, after being favourably reported upon by a committee of the legislature, is a point in my argument why something should be done in Canada, in order that we may not be placed in a similar unfortunate position. There are some who, like the Ephesian silversmith, would be willing to cry "Sirs, ye know that by this craft we have our wealth." I hope there are not many in Canada who would say so. It will not do, however, to say because gain is being made by the system that

therefore nothing should be done to check the business. Almost the whole of this insurance, I think, is done by the Metropolitan. I have, under my hand, a statement of one of those cases to which I have referred, in which no medical examination was required and the policy was taken out without the knowledge of the insured. I have tried to bring before the Government the enormous extent to which the business has progressed in the adjoining republic and in England, in order to show the difficulties which beset benevolent individuals there in furnishing any protection in consequence of the enormous increase of infantile insurance and it only remains for me to put this question which is on the paper. I do so with the utmost confidence that the hon. premier, who in a former part of this session stated that he always had been and always would continue to be the defender of the weak against the strong, will take some action to prevent the extension of this system of insurance. Here is certainly a case in which such protection is needed. Since I have referred to this matter publicly I have been favoured with a good many documents on both sides of the question. It would be absurd to undertake to occupy the time of the House in bringing forward the arguments on both sides. My personal opinion is very strong on this point. The subject is one which will interest the Government, which claims to be paternal, and I hope they will consider this matter as I do, one to be regulated.

Hon. Mr. GOWAN—I am sure everyone who has heard my hon. friend must be strongly impressed with his earnest desire to do right, and his benevolent feeling towards a class of humanity who are not always protected. I have noticed on several occasions that my hon. friend has always the courage of his convictions, and in this case, if I rightly understand his views, he is indeed a bold aggressor, for he takes issue with nearly every civilized country on the earth with respect to the benefit of fire and life insurance.

Hon. Mr. McCLELAN—I did not connect the life and fire insurance with this subject of child insurance. I merely stated that there was a difference of opinion as to the benefit of insurance. My object to-day was to attack this particular form of insurance.

Hon. Mr. GOWAN—The same argument which he applied to life insurance would apply with equal force to fire insurance, but in the one case, the crime which might result from it would be greater than in the other. In one it would be merely arson, in the other it might possibly be murder ; but I think where my hon. friend makes the great mistake is this—that he reasons (which is illogical) from the abuse against the use. Now experience has shown in all civilized countries the immense benefit of life insurance.

It is very true that if people could be induced to put their savings into some savings society regularly, they would at the end of a good many years have a large sum of money at their disposal, but people sometimes get in trouble and, a fear of distress upon them, they draw the money out. If people could be impressed with the value of saving in that way, it would be very well, but there is a strong and decided opinion all over the world in favour of life insurance and the business will continue. Now, my hon. friend has quoted statistics and made some very touching remarks, but the statistics which he quotes are not from this country, they are nearly all from the United States. I have some knowledge of the way life insurance is managed in Canada and I think it is carried on with a great deal of caution, and every insurance company that has a risk on a particular life is in the position of a custodian of that life. Of course it is impossible to prevent crimes in all these matters. The crimes of violence of former days have become crimes of fraud in the present day, and it is unfair to reason from the abuses which prevail in other countries against the working of the insurance system by companies in Canada. I know something of the country and I know cases where frauds were committed and sometimes grave suspicious pointing to murder. One or two cases have recently occurred in which crime was suggested, but such cases are few, and the system of insuring children is not at all common in Canada. I am acquainted with several of the insurance companies in this country. People naturally like to have some place where money can be deposited and increased. Men who have children naturally desire that they should

be insured, and wish to encourage their young people to effect insurance upon their own lives at an early period. I know I have done so with reference to some of the members of my family—young men. It might be difficult at times to keep up the payments, but when they come to marry they would by exercising some self-denial, have a nice accumulation for themselves. I don't say that evils such as the hon. gentleman refers to, do not exist in Canada, but I claim that they are not common. The hon. gentleman is wrong in reasoning from these views he has read, against life insurance here, and I think he is dead set against life insurance in any form. The notice on the paper does not refer to such matters generally but merely to child insurance. If that prevailed in this country to any large extent and was followed by any evil, I would say my hon. friend has made a good appeal, and no harm can be done by it. But you must remember that those who insure a young child are watched closely and companies would be careful to resist any claim based upon fraud or crime.

Hon. Mr. SCOTT—I am glad my hon. friend from Barrie appreciated the motive that induced the hon. gentleman to bring this subject to the notice of the Senate. It is a matter of great importance and I think he has stated the case in a very honest and sensible way. My hon. friend from Barrie was scarcely justified in drawing the general deduction that he did, that the hon. gentleman was adverse to all systems of insurance. I did not so understand him at all. He confined his argument to the dangers that are incidental to the insurance of children. The insuring of children's lives had its origin in England, and the motive was to provide money for the burial of the child in case of its early death and the sum was limited to about burial expenses. In the earlier times, when it was first introduced, the money was frequently payable directly to the undertaker. So it is quite evident that the motive of the parties was not to gain any pecuniary advantage. I am quite free to admit that it has extended and enlarged the temptation, and when the amounts became larger there possibly have been inducements to take the life of a child. But one can scarcely understand that in a country like England, where child insurance exists so largely, it has been opposed to any considerable extent; had it been society as constituted there would certainly have intervened by legislation and put a stop to it. It no doubt has been opposed there, and perhaps in the United States, but I do not know that it has been opposed in Canada. The paragraph which the hon. member read from the Ottawa paper was controverted afterwards, but where the amount is larger than the amount calculated for the burial expenses, there is a temptation perhaps to shorten the life of the infant. The same objection, however, can be urged to all classes of insurance. My hon. friend gave the illustration of scuttling a ship to get the amount of the policy. These crimes do occur from time to time, but they should not be brought forward as an argument against the general principle of insurance. Nor would my hon. friend think it an improper thing for him to insure his life for the benefit of his wife and children. All over the country friendly societies are formed, Foresters, Templars, &c., who have their own insurance agencies within themselves, showing that the whole tendency is to make provision for those dependent upon the bread winner. and therefore it is idle now to say that it is not a wise and a prudent arrangement for a man to take out insurance on his life, but my hon. friend did point out that there was such great danger in reference to the insurance of children that the subject at least ought to be inquired into. In reference to the allusions that he made to the effort made in Massachusetts to procure legislation on the subject, although I have not the figures by me, I remember that the committee, after hearing all the evidence that was adduced on both sides—that is, on the part of those who contended that the the system was a good one and those who contended that the lives of children were endangered by it—by a very large vote, I think a two-thirds vote, declined to interfere with the operations of the companies or to disturb the principle on which those policies were issued. That would be the general conclusion with regard to the system in England, where the number insured is so very large. No doubt there are occasions where there is great importunity on account of poverty to shorten the life of the assured, but the proper way to check that, in my judgment, is to limit the amount. It should not be extended. Of course the smaller the

amount the less the temptation; but unfortunately the tendency of late years has been, under the pressure of the insurance companies and under the belief that no harm was being done, to raise the amount of the insurance. Under the law of Ontario the amount originally fixed was, under the age of two years, $25. Under the recent statute passed the other day that amount has been extended to $32. Then children under three years could not be insured for less than $30 originally. That has been extended to $40. Under four originally a child could not be insured for more than $35; now, under the statute passed two months ago, it can be insured for $48. Children under five originally could not be insured for more than $40; now that has been extended to $56. There may be, of course, a very proper criticism on these extensions. At ten years the amount runs up as high as $147, which is another departure from the original principle on which this subject of child insurance was predicated showing that there might be an inducement to crime. I am not prepared to say that it has been abused; I have no doubt that my hon. friend, in reading the extracts that he did from the benovelent and philanthropic people in Massachusetts was very much impressed by the conclusions which they drew. Still, as has been very properly observed by the hon. member from Barrie, the same argument might apply in other cases where we are not prepared to interfere. With regard to the action which parliament should take, that is a subject which requires careful consideration. Insurance is a matter of contract. When my hon. friend from Hopewell said that a policy could not be issued on the life of a person who might be wholly unaware of the fact, I said it would be impossible to do so. That is something which the Ontario statutes would not justify. The Ontario law provides that, in order to make a contract for life insurance valid, the beneficiary must be either the parent or guardian, or the nominee of the insured, or a person entitled under the law to act for the applicant, or one who must have had at the date of the contract a pecuniary interest in the duration of the life of the assured. So that in the broad case which he put as to the latitude allowed in effecting life insurance, he was not correct, because the policy would be void. A company could not make a contract of that kind; there must be a direct pecuniary interest. A person may take out a policy on his own life and transfer it to his creditors; that is a common thing, but I doubt whether even a creditor could take out a policy on the life of a debtor without that debtor being aware of it, because the insurance company must, in some degree, be a party to the fraud for the reason that there must be a medical examination. From my experience of insurance companies, I know that they are exceedingly careful in all those cases. They have sustained serious losses in many cases and have been taught caution, because no doubt many frauds have been committed against insurance companies. I know one company in Ottawa which has been defrauded to the extent of many thousands of dollars. Of course the agent had to be a party to the fraud, but when the attention of the company was called to the matter they disputed the policies and compromises had to be made. Insurances have been effected in a very irregular way on very questionable lives, but it required the agent to be a party to the fraud, and in some cases the medical examiner also, showing the care which insurance companies take to protect themselves against abuses of that sort. I think the hon. gentleman is entitled to our thanks for having brought up this question, but it would be a rather grave question for parliament to declare insurance of that kind a crime, particularly as the provincial legislatures have jurisdiction in matters of this sort. They can declare that a contract on the life of a child under 10 years is invalid. There is nothing to prevent that. I am not aware that there is any legislation on the subject in other provinces, but I am quite sure that in the advanced province of Ontario, if it were found that there was any abuse whatever on the subject, legislation would be at once invoked and the terms of the present Act would be altered so as to reduce the possible temptation of taking the lives of the insured. I do not think that it was wise to enlarge the temptation as the legislature has done. I should have preferred to see the law remain as it was before, because it does not seem judicious that a child under 5 years of age can be insured for $56. It could not be argued that it was for burial purposes, and that was the object that parliament had in view 25 or 30 years ago when they permitted policies of that kind to be issued on the lives of children.

Hon. Mr. ANGERS—If I correctly understood the argument of the hon. gentleman from Hopewell, I should divide it into two parts, as the hon. member from Barrie has done. In the latter portion of his remarks he gave us figures and statistics to show the enormous amount of money paid on life insurances and the forfeitures on them; giving the House to understand that most contracts were made for the benefit of the insurer rather than for the benefit of the insured. This led me to believe that the hon. member from Hopewell was opposed to life insurance on principle. But I must lay aside that portion of his argument as not at all justified by the question which he has brought before the House. The hon. member's object was mainly to establish that the taking of insurances on the lives of children led to infanticide, to the neglect of children for the cruel purpose of collecting a few dollars which, according to the limitation put on insurances of children, would hardly amount to the fees necessary to meet the requirements of a decent funeral. He has dealt extensively with the question; but to bring any fact to the attention of the House I am glad to say he has been obliged to travel outside of Canada and go to the United States. Now, this is what occurred in Massachusetts. A crusade was instituted by the Massachusetts Society for the Prevention of Cruelty to Children against child insurance as practised for many years by the industrial life insurance companies. This society had probably dropped out of sight and wished to draw public attention to itself. They went before the Massachusetts legislature with a bill against child insurance. They went before a committee of the House; and when the good sense of the state legislators was put to the test, by a vote on the bill, they voted 149 against and 23 in its favour. Showing, therefore, that there was no necessity for interference with and prevention of insurance of children, and that no case had been made out to justify such a step. "This society in its efforts against child insurance undertook to manufacture an evil for the purpose of suppressing it. A weakness of such an organization is an itching desire to magnify their office. When they relieve real distress and grapple with real evils they are worthy of all praise; but when they charge crimes without reason or proof, and attack institutions of real beneficence, they become an impertinent nuisance and should be met with severe rebuff. The society in this case assumed that the insurance of children is a murderous arrangement, culminating in violent infanticide for the sake of the insurance. They made the charge and then sought for the proof. The evidence to sustain this atrocious accusation, so insulting to parental affection, could not be found. They mitigated the indictment and said that payment for the insurance, generally five cents a week,—and not seventy-five cents as one zealous lady testified,—was the means of depriving the child of proper sustenance and subjecting it to slow starvation."

Hon. Mr. ALLAN—What is the hon. gentleman reading from?

Hon. Mr. ANGERS—From the *Insurance Critic*, referring to the very bill to which the hon. gentleman from Hopewell made allusion. We have heard from him evidence in support of the bill. I now claim indulgence of the House to hear me give evidence against the bill and relate the grounds on which it was rejected.

Ex-Governor Long, writing to the *Christian Register*, of the 27th April, 1895, states as follows:—

> I thank you for your courteous invitation to write something in favour of child insurance; and in answer to your editorial of last week perhaps I can do nothing better than to inclose you herewith my argument before the committee, and let you make any extract you please from that. I wish you had waited to hear both sides before writing. You would have escaped some errors.
>
> For instance, you would not have made the misleading statement that "few disinterested persons have opposed the bill' to prohibit child insurance. Nearly all the opponents, and they are legion, are disinterested. Clergymen like E. A. Horton, Stopford W. Brooke, and John Cuckson of our denomination, and a score of others; city missionaries; eminent charity workers like Edward Frothingham, general agent of the Boston Provident Association; Mr. J. Lewis Crewe, secretary of the Society for the Prevention of Cruelty to Children in Pennsylvania; the agent of the Louisville Charity Society; and Sister Pamela of Albany; our most eminent physicians like Dr. William L. Richardson, Dr. Edward J. Foster, Dr. Francis Minot, Dr. J. Foster Bush; citizens like Curtis Guild, jr.; ex-mayor Hart; city physicians, overseers of the poor and a multitude more—an entirely disinterested class.
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> Then you intimate that "from the start" it was not claimed that child murder results from child insurance; on the contrary, Mr. Reed, for the bill, started with that claim in his very opening. It was that charge which roused all the feeling that has existed against this insurance; and, but for

that, I do not hesitate to say that the public would have at once recognized that poor industrial people ought to have the right to insure their children if they desire thus to lay by a little provision for their last sickness and burial. Of course, the charge has been withdrawn and abandoned, because it is now admitted that in twenty years experience in our country, not a single case of child murder for insurance has occurred, while in adult insurance it is not infrequent. The whole charge has come down to a criticism upon poor people for funeral expenditure, and the temptation to spend five or ten cents a week for insurance that might be saved for food.

May I not say that legislative prohibition on these two points is a pretty severe interference with personal rights, and is really class discrimination?

Let me also say concisely, that at the hearing, while cases of cruelty, drunkenness and poverty were shown, not one was shown in which any injury to the child was traced to its insurance. Not a charge was made against insurance of children under ten that is not equally good in respect to children over ten, or, indeed, against life insurance in general.

Child insurance is not a recent scheme, like the bond investment craze, which defrauded people a few years ago, and exploded. It is a system which has existed forty years in England and twenty years here, constantly growing, because meeting a popular necessity and demand. It has been repeatedly investigated by the British Parliament, and always given a larger field. So also in this country in state after state. Our own insurance department has, under three commissioners, reported favourably on it. In 1891 our own Massachsetts Society for the Prevention of Cruelty to Children inquired into it and spoke well of it. And what is particularly striking is that in its last report, December 31st, 1894, while touching on every phase of that society's work and forecasting its future fields of labour, and reciting in detail a large number of cases of suffering children, there is not, from beginning to end of the report, a single allusion to child insurance. Why? Because there is nothing in it to call for action, either by the society or by the legislature.

Many persons, when this hearing began, supposed that child insurance offers the temptation of the large amount of adult insurance. The average amount is twenty-eight dollars. It begins with fifteen dollars the first year of insurance—and no child can be insured under one year of age—and while the premium, five cents a week, remains the same, does not reach one hundred dollars more till after ten years of age. This little sum is not only a resource for burial and doctor's bills and help to other sick children in the family, but the existence of the fund undoubtedly secures better medical attendance and care. The statistics show also, and it was not controverted at the hearing, that the death rate is less among insured than among non-insured.

People, however poor, will bury their children decently; and it is a question either of pauper funerals, which is a matter of self-respect, nobody will encourage—or else of the alternative between an insurance fund and debt, with its heavy interest. There would be just as much economizing in food to save money to pay debt as to pay insurance.

Since child insurance began in Massachusetts pauper funerals have diminished nearly one-half in number. Abolish child insurance and you will either go back to an increase of pauper funerals or put a new drain on your charity funds, and pass the hat to meet the expense. You will stop the habit of saving, which of itself is an education in social economy among the poor that should be encouraged. The savings banks do not meet this need of five cent savings. There is no competition between the two systems. Each meets a different necessity; and instead of one cutting into the other, both have been increasing in their business at the same time.

The remarkable thing in child insurance is that at the hearing, as also in the 1894 report of the Society for Prevention of Cruelty to Children, which I above cited, not a case of suffering is traced to the system. And yet we are asked to abolish it, and to deprive one hundred thousand children under ten years of age in Massachusetts, and the families they represent, of the privilege they now enjoy without the slightest effort, even if there be fear of some attendant and occasional evil, to meet it by some amendment rather than by the wholesale destruction of the system.

More than one-fifth of the population of the state are industrially insured, including the above 100,000; and it is significant that not one of them appeared at the hearing to support the bill.

You are also in error in intimating that there is no insurable interest on a child under ten years of age. The Supreme Court of the United States has decided otherwise. There is certainly an insurable, or what you call "commercial" interest, to the extent of the cost of the last sickness and burial. And for some years under ten, in many poor families the child is rendering little services that are of actual value; while the prospective chance of the child's growing up and later becoming the reliance of the parent is of very great value.

Referring to the present state of the law in Canada, there is in Ontario a statute that deals with the matter. My hon. friend from Ottawa has already referred to it. It limits the amount for which children may be insured. The maximum amount for which a child may be insured if it is two years old is $32; 3 years, $40; 4 years, $48; 5 years, $56; 7 years, $92; 8 years, $110; 9 years, $120. Now, I leave it to the House to say can this be an amount the payment of which would have sufficient interest to extinguish in the parent's breast the natural affection for the child? It would be hardly sufficient to pay the undertaker. We heard last year in this House a discussion upon the excessive charges made by undertakers for burials. Is it possible, under the limitation put by the Ontario statute that any parent could be induced to insure a child for the purpose of neglecting it? I do not think so. It is not within the breast of our people. It has not been proved to be within the practice of

the people of the United States, from the investigation made in connection with the bill submitted to the legislature of Massachusetts. We have a few companies in Canada who insure children. I believe there are only two incorporated by the Dominion of Canada.

Hon. Mr. BOULTON—Are they Canadian companies?

Hon. Mr. ANGERS—Yes. I think there are two incorporated by the Parliament of Canada who insure children. I may state, as a fact, that although there is no statute in the province of Quebec limiting child insurance, the companies which do business in that province and in other sections of the Dominion have made it a rule, and it is printed upon their policies, that the enactments of the statutes of Ontario are those followed throughout the Dominion, and no child is insured for any larger amount than I have already mentioned. So that the practice in this country does not seem at present to justify interference in the matter. There is another matter to which my hon. friend from Ottawa has referred. It is that unless you make child insurance a crime it is not a subject matter for the legislation of the Parliament of Canada. It is one for the local legislatures to deal with. It is for them to state the requirements, limitations and the necessary interests in a civil contract. Of course, if the Parliament of Canada was willing to deal with this matter as one of enormity, if we were to publish to the whole world that the parents of this country have so little affection for their children that a misdemeanour had to be created in order to prevent them from entering into child insurance for illegal purposes—we would have to declare that the insuring of children was a misdemeanour. This would be contrary to the practice followed in England, in the United States, and throughout civilized countries. The insuring of children has existed in England for over thirty years, and in the United States for fully twenty years. The British parliament has twice instituted thorough inquiry into the alleged slaughter of insured children, and in neither instance has it found the necessity of special legislation upon the subject. No case of abuse of child insurance has been made out in Canada. Consequently, on behalf of the government I must declare that at present there is no evidence before this House or before the government to justify the necessity of interference in a matter of this kind.

Hon. Mr. BOULTON—I wish to say a word or two in reference to the matter before the House. The question is a very interesting and appropriate one to bring up. Helpless children sometimes require the protection of the state where a parent may be viciously inclined. The evils arising from child insurance have not reached a stage in Canada where the practice can be condemned, but it is the growth of an evil we have to anticipate when insurance agents are anxious to push their business, and the House has done wisely in calling public attention to what has taken place in other countries. I should like to see a system of state insurance adopted which would not only cover cases of child insurance but to a limited extent insurance for classes who wish to get cheaper insurance.

Hon. Mr. POWER—The hon. gentleman is a full blown protectionist.

Hon. Mr. BOULTON—I do not see how protection or free trade comes in. We have a good system now of post office savings banks, by which thrift is engendered among the people, and if we had a state insurance of $1,000 upon each individual, I think a great boon would be conferred upon the people of Canada. Those people who wish to lay by a moderate sum could do it by state insurance. The system of insurance is one that is well worth being discussed. We have seen lately several cases in which crime has been committed in consequence of people trying to make money out of insurance. That must entail a moral risk on insurance companies and a raising of the rates which places greater difficulty in the way of poor people securing insurance, to say nothing of the large expense agents go to in pushing their business. There is to-day too much money being withdrawn from the industry of the country, owing to the assiduity and persistence of agents. The state might uery wisely supply a cheap insurance for the working classes limited to $1,000.

Hon. Mr. VIDAL—It strikes me that the House is gradually departing from a regular custom; that is that the answer given by the government to an inquiry closes the

debate on that subject. That is the proper system. Something might be said by a member which the minister giving the answer would have referred to before he closed the debate. When a question is asked of the government it should be an understood thing that when the answer is given the matter is ended. Of course, anybody would have a right to speak before the answer is given.

Hon. Mr. SCOTT—The hon. member is not asking a question here; he is simply, calling attention to the subject.

Hon. Mr. VIDAL—I contend that it is free to all the members of the House to speak before the answer is given, but after that they cannot.

Hon. Mr. SCOTT—The practice has been a very wide one in this House. The hon. member seeing the minister rise once or twice to speak and not wishing to interfere with him, sat down and waited until he had spoken.

Hon. Mr. VIDAL—If he had given the slightest intimation to the hon. minister that he desired to speak he would have deferred his answer.

## CUSTOMS DUTIES ON AGRICULTURAL IMPLEMENTS.

INQUIRY.

Hon. Mr. LANDRY inquired:

Upon what scale of prices do customs officers base themselves in collecting the duties imposed by law upon agricultural instruments? On the real value or on the cost price, or on the current price, or on the price of the instrument as sold at wholesale in the country whence it is imported, or is a deduction made, and if so what, upon the invoice as sent or upon the catalogues of prices as circulated?

Have the customs officers received instructions on this subject? What is the date of such instructions? Are they issued by the Department of Customs, and are they the same for all customs officers? Or are they sent in pursuance of an order in council, and if so, what is the date of osuch rder in council.

Hon. Sir MACKENZIE BOWELL—Perhaps it is neglect on my part, but I may inform the House that I have not considered this inquiry yet. However, as it is one generally affecting the collecting of customs dues, and therefore can readily answer it. There is a general law regulating the value of an article for duty. It simply provides that when an ad valorem duty is imposed upon any article, the value of that article for duty, when imported into the country, is the price at which it is sold in the country from whence exported.

Hon. Mr. LANDRY—Wholesale or retail?

Hon. Sir MACKENZIE BOWELL—The word "wholesale" formerly existed in the clause, but it was struck out some years ago; so that if an article is sold by the manufacturer to what is termed a jobber, and he imports it into Canada, the price paid for it, if it be the price at which the same article is sold in the market where purchased for home consumption that is the value for duty in Canada; but it is the practise to sell an article for export at a lower price than when sold for use or consumption there in the home market. In such a case the value for duty is increased to the price at which it would be sold for home consumption. The ruling price in the country where an article is purchased is the value of the article for duty. There is no reduction in value for an article except in cases of this kind. Formerly the law imposed a duty upon the price paid for an article, no matter how it may have fallen in price at the time of exportation, but if it had increased in price from the period at which it was purchased to the time of exportation, the law compelled the officer to increase the value of the article for duty. In the amendments to this law which I introduced in the other House, I thought that was not equitable or fair, and the law as it stands now is that if you purchase an article in a foreign country and you pay a certain price for it, and if it is not shipped for a month or two and it falls in price, then the value of the article for duty is the price at which you could purchase it at the time of shipment, or if it increases in value it makes no difference what you paid for it, it is the value at the time of shipment that rules for duty. The second question I have already answered, because the law governs the value of an article for duty. Instructions are often given—and perhaps that is what my hon. friend refers to — calling the attention of the collectors of customs and customs officials in different parts of the country to the fact that articles are being imported and entered at a less rate than that at which they are sold in

the country for general consumption; or in other words, a manufacturer of an article in the United States, or in England, or any other country, when selling for exportation —when the article does not go into consumption in their own country and therefore does not interfere with the sale of the article in that country, they sell at a lower rate than they do to their own people. If that is done, then it is the duty of the customs officials to increase the face of the invoice to the regular and legitimate price at which the article sold in the country were purchased. I could not answer as to the date of the instructions. These instructions are only given when the attention of the department is called to the fact that the revenue is being defrauded in the way that I have pointed out, and the instructions are given departmentally and not by order in council.

Hon. Mr. LANDRY—There is no order in council.

Hon. Sir MACKENZIE BOWELL—Not in cases of that kind.

## GREAT NORTHERN RAILWAY OF WINNIPEG.

INQUIRY.

Hon. Mr. BOULTON inquired:

If the statement which is in Saturday's *Globe* is correct, that the plans and profiles of the Great Northern of Winnipeg had been approved by the Department of Railways and Canals, and transmitted to the company?

Have they been submitted to and approved by the Governor General in Council in accordance with the statutes of 1891, governing the charter?

He said: This is the second time I have asked a question with regard to this railway. I may apologize for having done so, but it is a railway passing through the district which I have the honour to represent in this House, and the road in question is the subject of a great deal of controversy. The Act says that the Governor in Council must approve of the location, and the Act also fixes the location and says that it shall start from Winnipeg and go north. I do not know the legal position in regard to it, but at the present moment the survey referred to in my question is starting from Gladstone, and when I rise to ask the question it is not for the purpose of opposing the railway starting from Gladstone, or opposing the company as a company in any form. Forty miles of the road were built nearly 10 years ago and the iron was laid; it is now lying there useless, and the money has been wasted. If there is any legal obstruction in the way of their starting from Gladstone, it is a notification to the company that their subsidy and charter and everything else may be forfeited if they act outside of the law in regard to this matter, and it would be a great detriment to the people, who are dependent upon railway communication in the Lake Dauphin district if legal difficulties arose to deprive them of their much needed railway. It would be a serious injury to the railway credit of the country if anything should happen that would leave any portion of this railway in the same condition as that 40 miles of it has been left. For that reason I make these few observations in asking the leader of the government for public information if the road is going on under their instructions, and under the charter which governs them.

Hon. Sir MACKENZIE BOWELL—In answer to the hon. gentleman, I have to inform him that the right-of-way plans, profiles, and books of reference have been received by the Department of Railways and Canals for expropriation purposes and have been examined and certified according to section 125 of the Railway Act. Two copies were returned to the company, but they have not been approved by the Department of Railways and Canals, the certificate specially mentioning that it conveys no approval. To the second question I say No, they were not sent in for submission to the Governor General in Council according to the statutes of 1891 governing the charter, but merely for certificate of depos t. What they are doing with this railway to which my hon. friend refers, I am not in a position to say. This I do know, however, that it is not going on under the direction or control or management in any way of the government.

Hon. Mr. POWER—There is just one question that I should like to ask the hon. gentleman from Shell River. I think from his knowledge of that part of the country he might be able to answer it. Some 40 miles of rails running north from Winnipeg, I believe, were laid by a company having the same head which the present company

has, some 10 years ago. Perhaps the hon. gentleman can tell us, knowing a good deal of the climate and the nature of the soil of the region on which those rails still remain, how much of them has been consumed by rust, and if it would be worth the while of the new company, or anyone else, to take up the 40 miles of rails and lay them down in the more genial climate in the neighbourhood of Lake Dauphin.

Hon. Mr. BOULTON—I am unable to answer the question, never having visited or inspected the line, but the hon. gentleman himself can calculate how much rust would accumulate on the rails in 10 years.

Hon. Mr. POWER—No, because I understand the country where the rails were laid is rather damp.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman will be able to come to a conclusion as to the quantity of rust that has accumulated if he will study the history of the rails which were deposited at Fort William.

Hon. Mr. POWER—I may say that I think the almost universal feeling throughout the western country now is, that a gross blunder was made in departing from the old location of the Canadian Pacific Railway.

Hon. Sir MACKENZIE BOWELL—Where?

Hon. Mr. POWER—From Winnipeg to the Pacific coast.

Hon. Sir MACKENZIE BOWELL—That has nothing to do with Fort William. The hon. gentleman is astray in his geography. These places are about 400 miles apart.

## BILLS INTRODUCED.

Bill (47) "An Act to incorporate the Canadian Order of Foresters."—(Mr. Sanford.)

Bill (55) "An Act to incorporate the Langenburg and Southern Railway Company."—(Mr. Lougheed.)

Bill (53) "An Act respecting the Manitoba and North-west Loan Company, Limited."—(Mr. Boulton.)

Bill (63) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. Read.)

Bill (80) "An Act to incorporate the Lindsay, Haliburton and Mattawa Railway Company."—(Mr. Dobson.)

Bill (64) "An Act respecting the Canada Southern Railway Company."—(Mr. Vidal, in the absence of Mr. MacInnes, Burlington.)

Bill (45) "An Act respecting the Great North-west Central Railway Company."—(Mr. Clemow.)

Bill (70) "An Act respecting the Témiscouata Railway Company."—(Mr. Casgrain).

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 12th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE DIVORCE COMMITTEE.

### REPORT.

The Hon. Mr. KIRCHHOFFER presented and read the following report:—

The undersigned members of the Divorce Committee having decided to decline to serve any longer upon that body wish to place before the House their reasons for having adopted that course.

While quite admitting the abstract right which the House has to disagree with or negative the reports of any of its Committees, we are of the opinion that this is a right which, out of respect for the dignity of the House itself and out of courtesy and consideration for and to its members upon those Committees, should not be exercised on any private, personal or religious grounds, or through caprice or whim, but solely where upon a careful study of the facts or evidence which has been produced before the Committee, it can be shown that that body has reported contrary to the rights and justice of the case.

The appointment of the Divorce Committee is merely a convenience for having the evidence heard and reported upon to the House. The members are, however, but individual members of the whole House, the full Bench, whose duty it eventually becomes to read and determine whether the finding of the Committee is just and in accordance with the evidence presented to them.

It is well known that a certain number of the hon. senators are opposed to the principles of divorce entirely. They do not allow even an undefended bill to pass without a protest. They refuse to act upon the committee. They say practically: we do not look into the facts of these cases, we do not listen to the arguments, we will not read the evidence: "our convictions are that this thing is wrong in principle and on that account we oppose it, not on the merits." Hence it follows that when the evidence has been completed and a report is made to the House, it is well known that nearly one half of the full bench of judges are sitting with their judgments prepared, saying in effect: we do not know anything about the case, we do not care to know, but our minds are made up; and although the hostility is not actively endorsed, we know that it is there and ready to be used whenever it is considered that the occasion requires it.

We consider that a party concerned in divorce proceedings before this House cannot expect to have justice done to them if nearly one-half of the judges have, before its inception, already decided upon the case.

We find that the committee is in constant hostility to a considerable portion of the House, and that under certain conditions, a report cannot be passed unless the committee make a personal matter of it, and not always then. We have, this session, sat day after day and week after week, listening to evidence and arguments of counsel, with the prospect that, after we make a report upon what has come before us, the House, a large number of whose members know of the case only by name, may at any time proceed to negative it.

We say that a vote, under such circumstances, adverse to the finding of a committee whom you have asked to conduct these inquiries, is an indignity to which no member of this House should be liable to be subjected.

We consider that the committee is too heavily handicapped by the conditions we have described, but though these may be understood in the House, the public and the country at large, not acquainted with the circumstances, and seeing only that reports of the Divorce Committee are negatived almost every session, naturally must come to the conclusion either that the committee has not done its duty, or that it has not got the confidence of the House.

Feeling, as evidenced by the report just adopted, that the latter is the correct interpretation, we have decided to resign.

J. N. KIRCHHOFFER,
ROBT. READ,
JAMES A. LOUGHEED,
G. C. MCKINDSEY,
THOS. R. MCINNES,
C. PRIMROSE,
JOHN FERGUSON.

In presenting this report, I wish to state that I, myself, was appointed upon this committee without my knowledge. I am not exactly aware what the formalities are in striking these committees, but I understand that as a number of hon. gentlemen decline to serve on Divorce Committees, the choice of the Government is necessarily limited. I was never asked what my views were on this question, was never consulted whether I would act, but having no conscientious scruples against divorce, I accepted the position prepared to do my duty to the best of my ability; but the events of the last three sessions during which I have served on that committee have given me all the experience that I care to acquire. As has been stated in the report which I have just read, we find that under certain conditions a report of this committee cannot be adopted unless the members of the committee make it a personal matter. By acting as they did in a case last session, in the most undignified way, as I thought, by electioneering dodges, which are quite beneath the dignity of this court, such as getting some hon. gentleman to remain away and not vote, and getting others to come from long distances to cast their votes, they may succeed in passing a report through the House, but I want you to consider the indignity of the position in which they are placed. I need scarcely say neither collectively as a committee, nor individually as members of the committee, have we any personal interest in any case that comes before us. We are supposed, and I think rightly so, to have an average amount of the intelligence of the House. Many of the members of the committee have had large experience in divorce matters. All of them give their time and ability cheerfully and willingly to this work, which has been allotted to them. We have sat this session generally from ten in the morning until one, and at times again from eight in the evening until midnight, listening to the most disgusting and revolting evidence. We have sat there hour after hour and day after day listening to the low, vile and disgusting evidence of procuresses and prostitutes until our very souls were sick from the loathsome details. It is not as if the members of this committee were receiving each an income of six or seven thousand dollars a year to discharge this duty. Nor are our members men of low and prurient tastes, who take a delight in listening to these revelations. They are respectable country gentlemen who, by their surroundings, are quite unfitted for association with the people and the incidents which we have recorded. This committee, selected by yourselves from amongst your own members, and asked to make these inquiries and listen to these cases, only a few

days ago was practically defeated on a report in the Chute case. We carried it certainly, but only by a majority of two, which I consider is equivalent to a defeat. Then in the Odell case we had not even the courtesy extended to us of having the report referred back to us for further consideration, but it was simply referred back with the mandatory command to bring in a report entirely contradictory to the one which we had formulated. (I take this opportunity of stating that the majority of the committee at least is entirely in accord at the present time on the original report.) That is not a position in which your committee ought to be placed. What have we done to entitle us to receive such an indignity at your hands? Has the committee been derelict in its duty, or has it failed in its capacity? Have its members shown that they are unable or unwilling to hear the evidence and arguments adduced before them, or that they are unable to give attention to and decide on the evidence produced there? I say it is an indignity to which no member of this House should be subjected, to have a report negatived as ours has been. I make this statement more in sorrow than in anger. I am not averse to work. I like to take my full share of whatever is going in the House, but I am a man of peace; I like to live on good terms with my fellow men, more particularly the members of this Hon body, in whose dignified and pleasant society I expect to spend many years in future—forty or fifty years I should think at least. This cannot be done with the hostile and bitter feeling which is engendered between members who take an active part in these matters. I trust you will pardon me for raising this discussion. I feel, like Othello, my occupation's gone. Like him, too, I am not easily upset, but, being moved, perplexed in the extreme, and although you may not understand my feelings, it has taken me much time and consideration and no little pain to arrive at the conclusion mentioned in the report. I beg to move that this report be taken into consideration now.

Hon. Mr. POWER—I rise to a question of order. The report is laid on the Table and cannot be considered now.

Hon. Mr. KAULBACH—It cannot be considered to-day. There must be time given, according to the rules of the House, and I shall certainly contradict many of the statements in that memorial. Better fix Friday next. The report is quite a surprise to me.

Hon. Mr. POWER—The matter cannot be debated now.

Hon. Mr. MILLER—Surely it is not the intention to ask the consideration of the report now. You are springing on the House one of the most extraordinary reports ever presented to the Senate. That it should be taken into consideration immediately is altogether unreasonable, and I hope my hon. friend will move its consideration at some future date.

Hon. Mr. KIRCHHOFFER—Then I move that the report be taken into consideration on Monday next.

The motion was agreed to.

## RED MOUNTAIN RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (58) "An Act respecting the Red Mountain Railway Company" with amendments. He said:—These amendments make no material change in the Bill. One of them is a mere transposition, to bring a part of the Bill into its proper connection. The other is the insertion of the clause generally required in all these Bills bringing the telegraph system under the portion of the laws governing telegraphs. There being no alterations in the spirit of the Bill, anyone may move the third reading now.

Hon. Mr. POWER—It cannot be done without notice. Rule 70 says that no private bill shall be read the third time, the same day on which it is reported from the committee.

Hon. Mr. VIDAL—I stand corrected, but it is the practice of the House.

Hon. Mr. POWER—It is sometimes done, and it is very objectionable. We had an instance of it yesterday. The proper thing is to move that the amendments be

taken into consideration to-morrow, because we cannot tell what the effect of these amendments will be until we see them.

Hon. Mr. MACDONALD (B.C.) moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

## THE CRIMINAL CODE, 1892.

MOTION.

Hon. Mr. ANGERS moved that the Hon. Messrs. Miller, Dickey, Scott, Gowan, Power, Lougheed, Poirier, Desjardins and Kirchhoffer be appointed to a joint committee of both Houses to report upon Bill (51) intituled: "An Act further to amend the Criminal Code, 1892."

Hon. Mr. POWER—I do not intend to oppose this motion but I wish to direct the attention of the hon. gentleman to the fact that we are establishing a precedent which I think may be found objectionable. In the case of the criminal code of 1892 it was different. There a joint committee of that day dealt with the whole of the criminal law. It was a very serious undertaking, and it was desirable, of course, that the opinions of members of both Houses should be had on the Bill before it was introduced into this House. But this bill proposes to make six amendments—and not amendments of very great consequence as far as I can judge—in the Criminal Code of 1892, and it does seem to me that it is carrying the principle too far to say that there will be a joint committee appointed for the purpose of considering these few amendments. I do not say there has been any sufficient reason shown for departing from the usual parliamentary procedure. This bill would, in the ordinary course of events, pass the Lower House and then come up to us to receive our independent consideration and I do not think there has been any good reason shown that that course should be departed from. We should not make a precedent of this.

Hon. Mr. ANGERS—The objection would have been a pertinent one, perhaps, if made in the House of Commons when the bill was first moved, but it would be unbecoming for the Senate after a message has been received from the House of Commons asking us to join them in the joint committee on the Code, to decline and to state that the amendments proposed are only five in number and of so little importance that we would not join them. The proceedings having reached this stage I think this House could adopt no other mode than the one which I have suggested. The hon. gentleman states that it would have been better had this House decided to deal with the bill independently when it comes up. This will in no way prevent independent action when the bill is reported here. The Senate will have to go into Committee of the Whole upon it just as if the bill had never been before a joint committee of both Houses. Under the circumstances, this mode having been adopted by the House of Commons, it would not be gracious or courteous on our part to decline joining in this committee.

Hon. Mr. GOWAN—I think the hon. member opposite has forgotten what I believe was done, if my memory serves me right, when the code was introduced in this House by the government. It was considered a matter of very grave importance; it was a very important question—a question in which science should be supreme, and it was thought better to have a joint committee. The House of Commons were invited to appoint a joint committee. The committee met and finally made a report. Now, with respect to these proposed amendments the House of Commons has adopted precisely the same course. I can see no objection to accepting the invitatoin of the House of Commons to form a joint committee. In fact, I think it is the best course that could be taken. What passes in the joint committee may be of great benefit to members in discussing the questions in the bill that has been submitted. I think the hon. member has failed to remember this.

Hon. Mr. SCOTT—The hon. gentleman from Barrie has misunderstood the hon. gentleman from Halifax, inasmuch as he did not propose to offer any opposition to the motion, but he said it was a new departure in this particular case. It is quite true that the codification of the criminal law was the result of a joint committee, but then the government the second year after introduced bills changing and altering the code on several occasions. On that occasion no joint committee was appointed to consider it; the government took the responsibility of sub-

mitting to parliament the changes which they thought in their wisdom should be made, and the bill was considered in the ordinary way. My hon. friend speaks as if, in reference to this particular subject, the Criminal Code, this course was adopted as a practice. It was not adopted as a practice. It was only when the code was first framed that the joint committee was appointed.

Hon. Mr. ANGERS—I did not intend to say that the code could only be amended by a joint committee of both Houses, but I said that the House of Commons having adopted this course, I did not see how we could reject the proposition.

Hon. Mr. POWER—I did not oppose the motion ; I simply said I hoped it would not be made a precedent.

The motion was agreed to.

## LANGENBURG AND SOUTHERN RAILWAY BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (53) "An Act to incorporate the Langenburg and Southern Railway Company."

Hon Mr POWER—Before the motion is carried, I wish to observe that in letting the second reading pass without discussion the House does not commit itself to the principle of the bill, which is to duplicate or parallel existing lines.

Hon. Mr. LOUGHEED—I should like to disabuse the minds of hon. members of the House in regard to the statement made by my hon. friend. This line neither parallels nor interferes with any existing road, except to give a line of railway to a district of country over which no road runs. It may be in opposition to existing lines but over a different tract of country. However, I will quite relieve my hon. friend from being held to be acceding to the principle of the bill by permitting the second reading to pass.

The motion was agreed to and the bill was read the second time.

## SECOND READINGS.

Bill (63) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. Read, Quinté.)

Bill (80) "An Act to incorporate the Lindsay, Haliburton and Mattawa Railway Company."—(Mr. Dobson.)

Bill (64) "An Act respecting the Canada Southern Railway Company."—(Mr. MacInnes.)

## BILLS INTRODUCED.

Bill (66) "An Act further to amend the Penitentiaries Act."—(Hon. Mr. Angers.)

Bill (95) "An Act to incorporate the Grand Falls Water Power and Boom Company."—(Mr. Perley.)

Then Senate then adjourned.

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## THE SENATE.

*Ottawa, Thursday, 13th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE POST OFFICE SERVICE IN B. C.

MOTION.

Hon. Mr. McINNES (B.C.) moved

That an humble Address be presented to His Excellency the Governor General : praying that His Excellency will cause to be laid before the Senate, copies of all correspondence and telegrams that have passed between the Postmaster General, or any member of the government, and the British Columbia Board of Trade, the City Council of Victoria, the members representing the city district of Victoria in the House of Commons, the postmaster of Victoria or anyone else, from the 1st of January, 1894, to the 1st of May, 1895, relative to the "provisional alllowance," and the with holding of the same from the post office clerks and letter carriers of the city of Victoria, British Columbia.

He said :—I will only say at present that I have very good reason to believe that the correspondence is not voluminous. Any ordinary typewriter can put the return in shape inside of an hour ; consequently I hope the government will bring it down inside a day or two.

The motion was agreed to.

## CUSTOMS SEIZURE AT MONTREAL.

INQUIRY.

Hon. Mr. BELLEROSE rose to

Inquire of the government whether it is the intention of the government to introduce, during the present session of Parliament, an Act to amend The Customs Tariff, 1894, so as to interpret Item No. 779 of Schedule C thereof, which item has for its object the prohibition of the entry into this country of books, paintings and pamphlets of an indecent or immoral character, and to give to the said item the true sense that Parliament had in view to give thereto when it passed that item?

Whether it is the intention of the government to prosecute under article 179 of "The Criminal Code, 1892," one Norman Murray, of the city of Montreal, who has exposed for sale, and has sold since the month of May, 1894, a certain obscene book, tending to corrupt morals, and having as headings or titles, the following, to wit:—

"The Fruits of the Confessional Box!"

"For Sleepy Americans, a Literal Translation of Ligouri's Theology, or Questions put daily by the Romish Priests to Women in the Confessional"

He said:—The discussion which took place some days ago on the questions that I asked, has forced upon me the duty of putting further questions to the government on this question of immoral books being circulated in the city of Montreal. The Premier seemed to lay down as a principle that the Controller of Customs was not bound to act in accordance with the interests of the country at large, but must submit to decisions which certainly were not of a character which could be relied upon. The Premier said:

You cannot, in administering the law, draw a distinction between a book that is imported for ecclesiastical purposes or for the use of any special profession, and a book imported by other persons who are not professional men. You cannot say that the importer had not the same right to import the book provided he pays the duty.

Now I cannot agree with that. It is not in accord with sound principles of law. What is the wording of the Customs Act? It is in these words:—

The importation into Canada of any goods enumerated, described or referred to in schedule "C" of this Act is prohibited, and any such goods if imported shall thereby become forfeited to the Crown and shall be destroyed, and any person importing any such prohibited goods or causing, or permitting them to be imported, shall for each offence incur a penalty of $200.

Then comes the said schedule "C."

779. Books, printed papers, drawings, paintings, prints, photographs, or representations of any kind of a treasonable or seditious or of an immoral or indecent character.

Those are prohibited. Now, the law is general; I admit that. What is the Controller of Customs to do in such a case? See that the law is carried out in the true spirit in which it was framed. What was the intention of Parliament in passing that law? Was it to prevent good books, of prime necessity to the country at large, to be imported? Not at all: the intention was to prevent demoralization. Therefore, I say that the government, and especially the Controller of Customs, is in duty Bound to see whether those books belonged to the class mentioned in schedule "C." Law books, ecclesiastical books, theological books, medical books, are all of prime importance —they must be imported. They cannot be considered as falling under the law. The public at large do not want them for their own use, but for the doctors, the lawyers and the clergy. So it is important that they should be imported and the law never contemplated excluding them. It contemplated preventing demoralization. So, when an indecent portion of a book, which, in itself, is a good and a useful one, is published, the law prohibits the circulation, because such extracts are unnecessary, obnoxious and tend to the demoralization of the public. I intend to prove that books must be taken for what they are, and even if the publisher says that his intention is good, the book must be taken for what it is worth. If it is a demoralizing book, it must be held that it is published for the purpose of demoralizing the public, and the law of the United States and of England prevents the circulation of such literature. If the principles which I have set forth are sound, the Controller of Customs was wrong in releasing the books. If they had been seized by a member of the church I belong to, I would hesitate to take the fact of the confiscation into consideration, because it would be said they were biassed in their judgment, but the Premier tells us that the gentleman who made the seizure is a Protestant. This shows much in favour of my contention. The Premier told us that the government had acted on legal advice. I defy any lawyer to show that it was a proper view of the law, and in support of this view of mine I will quote some authorities. I could quote United States books, but it perhaps is better to take English authorities, I refer to Folk-

ard's Law of Slander and Libel, where I find the following:

Although many vicious and immoral acts are not indictable, yet if they tend to the destruction of morality in general, if they do or may affect the mass of society, they become offences of a public nature.

Then again we find:

In short whatever outrage public decency and is injurious to public morals, and done in contempt of the law of decency, is indictable as a misdemeanor.

It is not supposed that the government should allow books which were subject to criminal indictment to be admitted at the customs. This same author adds:

Ever since the decision in Curl's case, it seems to have been settled that any publication tending to the destruction of the morals of society is punishable by indictment, and a great number of convictions have since taken place for publishing and vending immodest books and pictures.

Now, I will refer the House to some cases which I find in this same book. The first is the case of King *vs.* Echlin and others:

In a recent case which came before the court as a special case, seated by the recorder on appeal from quarter sessions at Wolverhampton, it appeared that an order had been made under the abovementioned Act, by two justices of the borough, that certain books which had been seized in the dwelling-house of the defendant be destroyed, as being obscene books within the meaning of the statute. The defendant was a member of a society styled "The Protestant Electoral Union," whose, objects were stated "To protest against those teachings and practices of the Romanist and Puseysite systems which are un-English, immoral and blasphemous, to "maintain the Protestantism of the Bible and the liberty of England" and "to promote the return to parliament of men who will assist them in these objects; and particularly will expose and defeat the deep-laid machinations of the Jesuits and resist grants of public money for Romanist purposes." The defendant, in order to promote the objects of the society, purchased from time, to time and exposed for sale at their office a pamphlet, entitled "The Confessional Unmasked, Showing the Depravity of the Romish Priesthood, the Iniquity of the Confessional, and the Questions put to Females in Confession." This pamphlet consisted of extracts from the works of theologians on the doctrines and discipline of the Church of Rome, and particularly on the practice of auricular confession.

On the dise of the page were printed passages in the original Latin, correctly extracted from the works of those writers, and opposite each extract was placed a free translation of it into English. The pamphlet also contained a preface and notes, and comments condemnatory of the tenets and principles of the authors of the works from which the extracts were made. About one-half of the pamphlet related to casuistical and controversial questions which were not obscene, but the remainder of the pamphlet was obscene, relating to impure and filthy acts, words and ideas. The defendant kept and sold these pamphlets with the purpose of promoting the objects of the society, and exposing what he deemed to be the errors of the Church of Rome. The pamphlets alluded to were the books which formed the subject of the order; and it was held, that where a man publishes a work manifestly obscene, he must be taken to have had the intention which is implied from that act; and that notwithstanding the object of the defendant was not to injure public morals, but to attack the religion and practice of the Roman Catholic Church, this did not justify his act nor prevent it from being a misdemeanour proper to be executed, as the inevitable effect of the publication must be to injure public morality; and although he might have had another object in view, he must be taken to have intended what was the natural consequence of his act, and had therefore been guilty of an offence within the meaning of the statute.

Now, is not this is a case in point, and it is not the only one. The case went further than that:

Shortly after the above decision the same society (the Protestant Electoral Union) published a new edition of the pamphlet, in which some of the most obscene passages remained; but there remained abundant matter of a disgusting and offensive nature, which rendered the book not distinguishable in principle from what was before the court in the former case; and one Mackey having been tried at the Court of Quarter Sessions at Winchester for selling copies of the new edition, when the jury being unable to agree, were discharged without giving a verdict, and report of such trial was published, in which the new edition of "The Confessional Unmasked" was set out at full length; although at the trial it was not read aloud.

Look at the precaution taken in England. They did not allow them to be read aloud. Can it be that there is more morality there than in this country? They were not permitted to be read in court, but simply taken as read:

And passages in it only were referred to. In other respects, the report was, substantially, a correct one of the trial and proceedings. A number of copies of this report having been seized at the shop of the appellant (where the same were sold and exposed for sale), and ordered by a police magistrate to be destroyed as obscene books within the statute above mentioned; on a case stated for the opinion of the Court of Common Pleas, it was held (following the above decision in the Queen *vs.* Hicklin) that the new addition of the pamphlet being still of such a character that it would necessarily tend to the depravation of the public morals, was an obscene book, within the meaning of the statute, notwithstanding that the object of those publishing it might be to suppress a system which they thought immoral and pernicious. Held also (following the decision the King *vs.* Carlile) (*b.*)

that the privilege given by the law to reports of judicial proceedings does not extend to reports which contain matters of an obscene and immoralizing character; and that the case was therefore within 20 and 21 Vic., c. 83, and the decision of the magistrate correct (c.) In the course of the argument it was strongly contended by counsel for the appellant that the book treated of a matter which might properly be made the subject of public discussion and controversy, and that the object of those who put it forward being not only innocent, but praiseworthy, inasmuch as they intended thereby to advance the interests of religion and of the public, the publication of it was not a misdemeanour and consequently the book was not obscene within the statue. But Bovill C. J., in the course of his judgment observed, "there is no doubt that all matters of importance to society may be made the subject of full and free discusssion, but while the liberty of such discussion is preserved, it must not be allowed to run into obscenity, and to be conducted in a manner tending to the corruption of public morals. The probable effect and natural tendency of the publication of this book being prejudicial to public morality and decency the appellant must be taken to have intended the natural consequences of such publication, even though the book were published with the objects referred to by his counsel.

Now, gentlemen, those are two cases just to the point, and they show that an error was committed by the Controller of Customs.

In Curl's case the Attorney General exhibited an information against him for printing and publishing an obscene book, intituled, "Venus in the Cloister or the Nun in her Smock." The defendant having been found guilty, it was moved in arrest of judgment, that the offence was of mere spiritual cognizance, that in the reign of Charles the Second there was a run of obscene writings for which no prosecutions were instituted in the temporal courts and Read's case was cited. It was answered by the Attorney General that to destroy morality was to destroy the peace of government, since government was no more than public order, that the spiritual courts punished only spiritual deformation by words; but that if it were reduced to writing, it would be a temporal offence punishable as a libel, and judgment was entered for the Crown.

Now, there is another case in point where the same thing has been decided, and the government, by the Attorney General, stated the facts. Then there are others. I thought it better to refer to these very cases which are not only in point, but deal with the same subject always, the confessional. I believe I have perfectly well established that the Controller has something more to do than he has done. The Premier stated that when he was at the head of the department he did order the confiscation of suc i an indecent book, and that lawyers told him he was wrong, but that he stood by his decision. That was manly. The premier showed that he knew what public morals were. That is the duty of a public officer who is responsible for the public morals. Now, the premier excuses his colleague who has done the very worst. The book was confiscated at Montreal. Why not keep it and make it a test case? If he had a keen sense of his duty to the country he was bound to let the confiscation stand and make it a text case. At the time the hon. Premier was acting in that capacity, such a case occurred and there is another to-day. Why not make it a test case, and see what our courts would decide? But the government neither tested the case nor did they got the law amended, so that if another case should arise to-morrow, Controller Wallace will act as he has done in this instance, and, on the advice of a lawyer, let the demoralizing book be circulated through the country. Is that doing what is right? I say no, the government are not doing their duty. But it may be objected by some that they do not know anything about the book, and, therefore, the House has nothing to do with it.

Hon. Mr. McCALLUM—The hon. gentleman says it is immoral.

Hon. Mr. BELLEROSE—The House has to hear the discussion and see whether I am right in the question that I put, or the government are right in their answer. It is a matter between the member who raised the question and the government. Whose fault is it if the House and the government do not know the character of the book? Is it not the fault of Mr. Wallace, who let the book go into circulation? He should have kept a copy of the book on record in his department, so that if the question should ever be raised, he would be in a position to produce it, and let the House judge whether it was a work that should be circulated or not. The Premier says the book cannot be found.

Hon. Mr. McCALLUM—Has the hon. gentleman seen the book himself?

Hon. Mr. BELLEROSE—I have, and I state here, upon my honour, that there is no book better calculated to demoralize the public than this one to which I refer, and I challenge the Premier or Controller Wallace to say to the contrary. I have shown that in England a book which was reprinted

with nearly all the obscene parts omitted was confiscated. The Premier asked us the other day why should we not do here as they did in England when the bankruptcy law was under discussion; I ask him why cannot we do as much here for the public morals as is done in England? Let us do in these matters what they do in England and I will be satisfied. We are told that the book is not to be found in the department: I frankly say I do not believe it.

Hon. Mr. McCALLUM—You say you have a copy yourself.

Hon. Mr. BELLEROSE—As I stated before, a Protestant in Montreal, a member of one of the wealthiest firms in that city, put it into my hands on condition that I would destroy it after looking through it.

Hon. Mr. McCALLUM—But you are not done with it yet?

Hon Mr. BELLEROSE—I am done with it. Having made a special study of divinity in the past, I know about St. Liguori's theology, but I did not know that the scandalous fellow who published that book had made a true translation from the Latin. I therefore compared the English version with the Latin, and I must say that it is sufficiently correct to be called a good translation. Some words are added, making it stronger in certain parts, so as to make it more attractive to young readers. When I undertook to bring up this question, I prepared myself thoroughly, because I knew that I should meet with some opposition here. I prepared myself for opposition and I am here ready to fight on that question. Even on a point of law I made myself safe, because I have cited cases which show that I was right in the position I took the other day.

Hon. Mr. McCALLUM—You have got the weapons and we have not—we have not seen the book.

Hon. Mr. BELLEROSE—It is not necessary for you to see it. In England, in the case which I have referred, the book was not allowed to be read. It was not my duty to show that the book is a bad one; it is the duty of the government to show that their action was right.

Hon. Mr. McCALLUM—But if they have not got the book.

Hon. Mr. BELLEROSE—Then they were wrong, because if they had not the book before them they were not in a position to render judgment and permit the circulation of the work. If you will go to the library you will find in St. Liguori's Theology the Latin version of what is published in that book. The two commandments which prohibit all forms of lust are the subjects of that part. I have looked up in Webster's dictionary the meaning of the words in the statute "indecent" and "obscene." I find that the meaning of "indecent" is "unfit to be heard or seen," and all the offences referred to in those two commandments are unfit to be seen or heard, especially when one goes into details. Now, what are the offences under those commandments? They are adultery, fornication, bestiality, incest, abduction—and those are the offences which are dealt with in that part of St. Liguori's book to which I have referred. Anything which could be said about those offences would be unfit for general circulation. Now, what is the meaning of "obscene"? It is "expressing or presenting to the mind or view something which delicacy, purity and decency forbid to be exposed." I should think that purity and delicacy prohibit the publication in the vulgar tongue of a treatise about those offences. I have done what the government ought to have done—they have not got the book and do not know what it is; I have said enough to show what it is. The premier made an argument the other day as to the Latin and French version of the book, contending that if it was good in one language it was good in another. Now, I never contended that crime in any language was anything but crime, but what I did say was that professional works, like that of St. Liguori's, being intended for a useful purpose, did not come under the denomination of obscene literature. I said also that while medical works were published in French and English, theological works are always in Latin and were therefore less dangerous to the public at large. The man who published that book put the Latin version in one column and the English in a column beside it, and I must say that he did his work of translation well, except to add a word here and there to make the English version

stronger than the Latin. I believe I have made out my case, and it cannot be denied that this book ought not to have been released when it was confiscated and that it should not be allowed to be sold in Montreal. Since giving these notices I have received another letter from the bookseller Murray which I will read to the House, because I might make it a question of privilege. The letter reads :

NORMAN MURRAY,
Book, News and Advertising Agency,
2108 St. Catherine St., Montreal.

SATURDAY, 8th June, 1895.

SENATOR BELLEROSE,—I want you to understand that you will get paid back with interest every time you stick your nose into my business.

Do you know what class of women the first class of women sent over from France were ?

I do not know what the women were. I know the government of the country sent them back.

See my History of Canada.

It is a false history, however,

My God is not the same God as yours.

He must be a Unitarian. He believes in one God, while I believe in a Trinity.

If you want no more of this kind, just you cease meddling with me. I am Highland Scotch, and my people never turn their backs to their foes.

On consulting May's book of Parliamentary Practices, I read the following :

Interference with or reflections on members, shall be resented as an indignity to the House itself.

In the Lords, this offence has been visited with peculiar severity. * * * *

On the 22nd March, 1623, Thomas Morley was fined £100, sent to the pillory and imprisoned in the fleet.

On the 9th July, 1663, Alexander Filton was fined £500 and committed to the King's Bench, for a libel on Lord Gerard, and ordered to find securities for his behaviour during life.

Now, here is another case in point :

In 1776 Richard Cocksey was attacked for sending an insulting letter to the Earl of Coventry, reprimanded and ordered into custody until he gave security for his good behaviour.

I could exercise this right to-day ; but I am not disposed to do that. The gentleman states he is Highland Scotch. Scotch are ordinarily intelligent men, so that I am sure that whenever Mr. Murray learns how wrong he is in helping to demoralize the country he will see himself that he is doing wrong, and refrain from selling dirty books. My intention is not to go further as to this letter. I thought it well to read it because it shows the determination of that man to live on public immorality, and I believe there is no government worthy of the name that would permit him to do as he has been doing. The man may have been ignorant of what he was about, but for the future he ought to refrain from his illegal conduct, or the government should see that he does. I have spoken at length thus, to avoid having to speak a second time. As to the second question, referring to the Criminal Code, the clause 179 says—

Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly without lawful justification or excuse, publicly sells or exposes to public sale or publication any obscene book, or other printed or written matter or any picture, photograph, model or other object tending to corrupt morals. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the act alleged to have been done.

It shall be a question of law whether the occasion of the sale, publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances into, or under which the sale, publishing or exhibition is made, so as to afford a justification or excuse therefor, but it will be a question for the jury whether there is or is not such excess.

I leave the Premier to answer my second question as to prosecuting the vendor of those books who has violated the law which I have just now quoted.

Hon. Sir MACKENZIE BOWELL—The question is simple in its character and one that will not require many minutes to answer. In the first place, the government is not aware that the item referred to in the inquiry by my honourable friend does not bear the construction that it was intended it should bear or that the judges, if the case were taken into court, would not put the construction and meaning upon it which Parliament intended. Until that fact is controverted it will not be necessary for the government to introduce any measure to amend it giving it a wider or a greater interpretation. It will be somewhat difficult, I think, for persons reading that clause to misunderstand its meaning and its object. It reads :

Books, printed papers, drawings, paintings, prints, photographs, or representations of any kind of a treasonable or seditious or of an immoral or

indecent character are prohibited by the law from being imported into the country.

It is for the courts to decide whether the book to which my hon. friend has referred is brought within that category. I might add that it probably would be much better, in replying to the other question, to say that it is not the province of the Dominion Government to enter actions against booksellers or any other persons violating the statutes. That power is relegated exclusively to the local authorities. If there has been a violation of the law, as provided in the section quoted by the hon. gentleman, it is the duty of the people of Montreal, who take the same view which the hon. gentleman does, to lay complaints against this bookseller and then it will be the duty of the Attorney General to prosecute. The cases referred to by the hon. gentleman are very strong, I readily admit, in support of his contention, and it will be for the judges to say whether this book comes within the meaning of the clause.

Hon. Mr. BELLEROSE—The Premier in his answer has given good evidence that the government is wrong, because if he is so sure that it is difficult to interpret that clause, then the duty of the government, as soon as they observed that, was to amend the law to make it signify something which the public mind could be guided by. At present the law is not in such a shape that the people understand it, and it shows the Controller of Customs was wrong, when the books had been seized, in not making that a test case. He should have said to his officer, "keep the books and write Mr. Norman Murray, you may sue for the books and we will have a test case and will decide whether the confiscation of the book was right or wrong.'" They were no doubt about to do that, and it is surprising to find that the government have acted as they have done, particularly so, as the Premier admits that in a less important matter he acted the other way and opened the door to a test case. What is the duty of the importer? If he thinks he has the law on his side, his duty is to sue the government to have his books released, but Mr. Murray would not have done that. It is evident that the Premier was right in that instance, where he confiscated some immoral books and refused to release them. Why did not they do the same in this instance? Generlly the Premier is correct in the position he takes and I am surprised, when he knows the character of the book in the case we are now considering and how demoralizing it is, that he stands by his colleagues and tries to make the best of his case. The least that could be asked of the government is to have a test case, and I hope they and the public at large will see the thing in that light. The government should amend the Act immediately to provide that books of such a nature, and which are not necessary, shall be confiscated. Three or four lines would do that. If the government do not take this course it will be because they do not care for public morality.

Hon. Sir MACKENZIE BOWELL—As to the second question, I cannot say anything more. We have no knowledge, as far as the government is concerned, that there is such a man as Murray in Montreal. We do not know that he keeps a book-store, or that he sells books, and even if we received that information, in the interest of morality, or in view of the law on the statute-book, the courts of Montreal are the parties responsible. It is the duty of the parties aggrieved to enter an action, and have a test case. I am obliged to the hon. gentleman for the good opinion he has of myself. I offered no excuse for the Controller, or anyone else; I endeavoured to state, in as plain and succinct a manner as I possibly could, what the law was under the circumstances and what action had been taken under the law, by those whose duty it was to seize them. I must again dissent from the proposition laid down by the hon. gentleman that it is the duty of the Dominion government to enter actions for the violations of the law. That is the special function, under the constitution of this country, of the local governments, and I think they are quite capable of enforcing the law of the land, and, where necessary, maintaining proper respect for those acts which affect the morals of the people.

Hon. Mr. BELLEROSE—Although it may be that the local government could sue, the Dominion government are bound to look into their own laws and see whether they are executed, and as they have been notified in this House that this man Murray is selling indecent books in this country, it is their duty to have the Attorney General prosecute, because it is under their law.

Hon. Sir MACKENZIE BOWELL—If the government of Canada were informed that somebody stole a horse, does the hon. gentleman say that it is our duty to see that information is laid?

Hon. Mr. BELLEROSE—In this case it is their own work and it is for them to look into the case.

Hon. Sir FRANK SMITH—Why do you not inform the government of Quebec?

Hon. Mr. BELLEROSE—I have informed the government here in the House to which I belong.

Hon. Mr. McINNES (B.C.)I hope the hon. gentleman, if he brings a case of this kind before the House again, will furnish every senator with a copy of the book published, and then we will be in a position intelligently to deal with the nature of the works.

## THE ODELL DIVORCE CASE.

Hon. Mr. CLEMOW—Before the Orders of the Day are called I wish to call the attention of the House to the report of the divorce committee in the Loop Sewell Odell case. I understood the first report was to stand over until to-day, but I find that it was adopted. I thought it was the understanding it should remain over until to-day. I intended to move an amendment to it in reference to the action to be taken hereafter. The committee had some discussion that the proceedings should commence next year in the same way they terminated this year.

Hon. Mr. MILLER—They could not do that without an Act of parliament.

Hon. Mr. CLEMOW—It has been done before.

Hon. Mr. MILLER—No, I beg pardon. It could not be done in any parliament where the British system prevails. It has never been done.

Hon. Mr. LANDRY—I rise to a question of order. There is nothing before the chair.

Hon. Mr. CLEMOW—There is nothing out of the way at all in this discussion. I understood the report was to be taken into consideration to-day.

Hon. Mr. McINNES (B.C.)—The committee considered that question and came to the conclusion that they could not make that recommendation; therefore, a great number of formalities will have to be gone through next year.

Hon. Mr. MILLER—There is no question about it. You cannot do anything of that kind under our system of parliamentary government without an Act of parliament. There have been instances in the Imperial Parliament of this character. In cases where it is difficult in consequence of the long distance from England from which evidence has to be brought—from India for instance—where cases have been before the House of Lords, an Act of parliament had to be passed enabling that body to take up a bill or measure before it at the stage at which it was dropped during the previous session, but that was done under the Act of parliament. Neither House has power to provide for the taking up of business, dropped at any time during the session, in the following session.

Hon. Mr. KAULBACH—We considered that fully. Even if we should attempt to pass such a resolution, no lawyer would undertake to proceed again under it. He would have to commence proceedings anew.

Hon. Mr. CLEMOW—I am perfectly satisfied that there was a precedent for it in this House in the Middleton case, where there was a postponement for some such cause as this. However, if it cannot be done there is no help for it. It was my duty to bring it before the House, and I have done so.

Hon. Mr. BELLEROSE—I believe the hon. gentleman can bring it as an amendment.

Hon. Mr. MILLER—The proceedings have progressed such a very short distance it would not be worth while.

Hon. Mr. CLEMOW—If it cannot be done I do not desire to press it at all. I have been requested to bring it before the House and I know it was done in the Middleton case.

## THE PRINTING OF PARLIAMENT.

MOTION.

Hon. Mr. READ (Quinté) moved the adoption of the first report of the Joint

Committee of both Houses on the Printing of Parliament. He said:—This report recommends that certain documents be not printed.

Hon. Mr. McCLELAN—Before the report is concurred in I should like to ask the chairman if there is not some error in it? Are there not some of these documents which should be printed. I was not present at the last meeting of the committee, but some of the documents are important, and I was informed that some of these were intended to be printed and it seems to me that there is some error.

Hon. Mr. READ (Quinté)—I made inquiry of the clerk to-day about that, and he assured me that the committee had decided that none of these documents be printed.

Hon. Mr. McCLELAN.—Then I was misinformed.

The motion was agreed to.

## SECOND READINGS.

Bill (47)"An Act to incorporate the Canadian Order of Foresters." (Mr. Sanford.)

Bill (53). "An Act respecting the Manitoba and the North-west Loan Company, Limited." (Mr. Boulton).

Bill (45) "An Act respecting the Great North-west Central Railway Company." (Mr. Clemow).

Bill (70) "An Act respecting the Temiscouata Railway Company." (Mr. Casgrain).

## CAMP HARMONY ANGLING CLUB BILL.

### THIRD READING.

Hon. Mr. KIRCHHOFFER moved the adoption of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (71) "An Act to incorporate the Camp Harmony Angling Club."

The motion was agreed to.

Hon. Mr. KIRCHHOFFER moved that the bill be now read the third time.

Hon. Mr. KAULBACH—There is a doubt in my mind whether the third reading can be taken to-day. I call the attention of the hon. gentleman from Richmond to the subject. He is more familiar with these matters, and I should like to know from him whether a bill coming from a committee with amendments can be read a third time the same day, on which these amendments are adopted or does the rule apply to the day on which the report is presented? It seems to me it is a departure from the rule.

Hon. Mr. VIDAL—The rule does not at all interfere with its being read a third time to-day. The rule only requires that it shall not be the same day that the report of the committee is presented. The bill was reported yesterday.

Hon. Mr. MILLER—That is right—that is the rule. If the amendments had been read yesterday, the bill could not have been read the third time then, because it was the day on which the report was presented. It can be read the third time now.

The motion was agreed to, and the bill was read the third time and passed.

## THIRD READING.

Bill (58) "An Act respecting the Red Mountain Railway Company."—(Mr. Macdonald, B.C.)

## FEMALE OFFENDERS' IN NOVA SCOTIA BILL.

### SECOND READING.

Hon. Mr. POWER moved the second reading of bill (J) "An Act to amend the Act respecting certain female offenders in the province of Nova Scotia." He said: This parliament passed in 1891 an Act giving a judge or stipendiary magistrate in Nova Scotia discretion to sentence any female person who is convicted before such judge or magistrate to an institution known as the Good Shepherd reformatory instead of the city prison or common jail. There are two institutions mentioned in the Act of 1891—the Good Shepherd reformatory, which is intended for "female persons," as they are called in the Act, over the age of sixteen, and the Good Shepherd Industrial Refuge, which is intended for girls under sixteen. The Act of 1891 provided that any girl under sixteen might be sentenced by the magistrate to a term in this

industrial refuge not exceeding five years. As to female offenders over the age of sixteen, the stipendiary magistrate had no discretion but to sentence them for the period generally not exceeding three or four months, to which, under the law, they could be sentenced in the city prison or county jail. The experience of four years has shown, what might have been anticipated, that in the case of women who had been leading abandoned lives for three or four or six years, three months spent in a reformatory institution has very little permanent effect, and if any good is to be done to those offenders they must be detained for a longer period than that provided for by the first section of the Act. This bill is to allow the judge or stipendiary magistrate power to extend the term—that is all.

Hon. Mr. MACDONALD (B.C.)—When the original bill was before the House some years ago, a question arose as to the necessity of the government inspection of a private prison of this kind, to see that those confined are properly dealt with, properly fed, properly clothed, and not over-worked. I suppose the Premier cannot tell me, without inquiring, whether any inspection of this kind has ever been had. Perhaps on the third reading of the bill he will be prepared with information on the subject.

Hon. Mr. KAULBACH—Is it intended in the case of a girl being a Roman Catholic convicted before a magistrate and who heretofore would have been sentenced to a common prison or jail, but who under cap. 55 of the statutes of 1891 is now sent instead to this reformatory to be reformed, and the reformation does not take place—is it intended that the judge who sentenced that person can extend the sentence until the reformation is effected? Does the hon. gentleman mean to say that the imprisonment can be extended for a longer period than was originally intended if it has been found not long enough to secure a salutory effect—is it intended that the term of imprisonment shall be extended until it has a salutory effect? The words "further imprisonment" make the clause doubtful, I would ask the hon. gentleman to explain it.

Hon. Mr. POWER—With respect to the point raised by the hon. gentleman from Victoria, I would refer him to the 15th section of the existing statute, which of course applies to these institutions. It provides that such reformatory or industrial refuge shall at all times be open to inspection by the inspector of penitentiaries or any officer appointed by the government to inspect, and so long as pecuniary aid is received from the city of Halifax it shall be open for inspection by the mayor, aldermen and stipendiary magistrate of that city. I do not know whether any inspection has taken place at the instance of the governor in council, but I know that the aldermen of the city of Halifax have visited and inspected the institution.

Hon. Mr. KAULBACH—Will my hon. friend answer my question? This is a reformatory to which the magistrate may send parties to be reformed instead of sending them to prison. Is it the intention that the magistrate can extend the period of confinement in order to bring about a reformation? What is intended by the word "further" in the tenth line?

Hon. Mr. POWER—That is substantially the intention. The idea is he shall, in the first instance, sentence the party to the longer period.

Hon. Mr. ALLAN.—As I understand the purport of the bill, it is this, that the short term for which the magistrate was permitted to send the female offenders to the reformatory has been found inadequate to answer the purpose in view, and when they have such a short time there is not as much opportunity for their bad habits to be thrown off, or any substantial reformation accomplished. I presume clause 2 gives power to the magistrate to further increase the term in addition to the term he was originally permitted to impose by the Act of 1891, and I think it is a move in the right direction.

Hon. Mr. KAULBACH. That is, supposing the time has not been sufficient for the complete reformation, the intention is to allow the convicting magistrate to extend the time—or is it for a new offence?

Hon. Mr. POWER. It is for the same offence.

Hon. Mr. KAULBACH. And afterwards, on notice being given, he may increase it, to accomplish the reformation? The clause will have to be altered; it is not what is intended.

Hon. Mr. POWER. Oh, no. These questions of detail would be rather a subject for the committee.

Hon. Mr. ALMON—I have much pleasure in supporting the bill which is brought in by my colleague. An institution of this kind is very much wanted in Halifax, and I think this one fills the bill in every respect. There is no objection to it at all; the only fault about it is that I think we are paying too much money to support the women there, but that is a matter for the city of Halifax. As they are over head and ears in debt now, it does not matter how much more they get into debt. The institution is an excellent one and I shall be happy to support the bill.

Hon. Mr. POWER—I should like to make one observation in reference to what my hon. colleague has stated and that is that up to this year—although the institution has been going for four years—not a dollar has been paid by the city of Halifax towards it.

The motion was agreed to.

## BILL INTRODUCED.

Bill (7) "An Act further to amend the Tenth Chapter of the Consolidated Statutes for Lower Canada respecting seditious and unlawful associations and oaths."—(Mr. Power).

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 14th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE REVENUE FROM EXCISE AND CUSTOMS.

MOTION.

Hon. Mr. BOULTON moved—

That in the opinion of the Senate, if the excise on spirits, beer and tobacco, were made equal to the protective duty on the same upon the average consumption of the last five years, an increase to revenue would result, amounting to $3,500,000, and if twenty-five cents a gallon on spirits, and ten cents per pound on tobacco were added to the present rate of duty, a further increase would result, amounting to two million dollars more.

He said:—The question, which is the subject of the motion now before the House, I brought up the other day on a motion for papers in regard to the exports, but as the rules of the House did not permit some hon. gentlemen to extend their discussion into the realms of the revenue that I introduced on that occasion, I thought it desirable, in order to get an expression of opinion upon the question of revenue, to introduce a motion and go over somewhat the same grounds that I covered the other day. It will not be necessary to take up very much of your time because I discussed the question pretty thoroughly on that occasion. My object now is to give any other hon. gentleman, who desires to combat the arguments that I then advanced, an opportunity of refuting them because it is a very important point that I have raised, the fact that by equalizing the duty and the excise a revenue of from $4,000,000 to $6,000,000 or $7,000,000 can be obtained which is now, as I contend, diverted into private profits. In quoting from the Inland Revenue Report, I see that in the four years ending June, 1893, the average quantity of spirit which entered into consumption was 2,871,672 gallons. Now, the excise on that at that time was $1.50 per gallon. Under the tariff which is now passing through Parliament the excise has been raised from $1.50 to $1.70 per gallon. The duty on the same class of spirits when imported into the country, is $2.25, having been raised from $2.12½ up to that, in consequence of the increase of excise; in other words, the protection had to keep pace with the excise on spirits. What I contend is that the difference between $1.70, the excise on spirits, and $2.25, the duty on spirits, is protection to the distillers of the country. The question I bring before the House to-day is not whether is it wise to give distillers that protection, but whether by removing that protection a certain revenue will accrue to the country upon the present consumption without increasing the cost to consumers of spirits, tobacco, or beer, as the case may be? Would that increase of revenue occur? Hon. gentlemen will see that $1.70 upon

2,871,000 gallons produces a revenue of $4,881,876. Then if you take the difference between $1.70 and the $2.25 and make the excise $2.25 instead of $1.70 you increase the revenue by $1,579,430. The protection of 55 cents of course enables the distillers to charge up to the exact amount that is levied for duty. The cost to the consumer in the country is $2.25, not $1.70, on a proof gallon, and therefore the increase in the excise of whisky would have no effect upon consumption, because the consumption is governed by the protection that is afforded, $2.25. Therefore we say that, in the case of spirits that are manufactured in the country, by equalizing the excise and the duty you add $1,579,000 to the revenue. Then in addition to the spirits that are manufactured in the country, there are 975,000 gallons imported which pays a duty of $2.25 and returns to the revenue through that means $2,447,500. Now I have coupled with my proposition of equalizing the excise with the duty the desirability of increasing the excise 25 cents a gallon more. It will make no appreciable difference to the welfare of the country. The addition of 25 cents a gallon excise to $2.25, the present duty, will make no appreciable difference, and therefore it merely resolves itself into the question, Is it wise to make the duty on spirits the source of revenue? I do not think any one will combat that position. The addition of $2.50 to the cost of making whisky in the country must have the effect of keeping down its consumption; that is proved to be the case in Great Britain where the excise is $2.50 a gallon. The excise on spirits in Great Britain is 10s. 6d. a gallon, which is a little more than $2.50 and the duty on spirits in Great Britain under the British law of revenue is 10s. 4d., so that in the case of Great Britain the duty is actually 2d. less than the excise. I presume there may be some little thing or other to equal it, but at any rate, so far as it appears on the books, the duty on imported spirits is 2d. a gallon less than the excise. What I am now proposing, so far as revenue is concerned, is that we should make the revenue on spirits equal to the duty and raise the duty and the revenue together from $2.25 up to $2.50 a gallon. By doing that we then add another $1,000,000 to the revenue, because that 25 cents of course would affect not only the spirits that are manufactured in the country, but the spirits that are imported as well. The spirits manufactured are 2,871,000 gallons, and the spirits imported 1,000,000 gallons, altogether about 4,000,000 gallons. On that 4,000,000 gallons at 25 cents a gallon, we would obtain another $1,000,000 added to the revenue of the country upon the spirits which enter into consumption as shown by the public returns today. Altogether there would be from that source $2,527,000, from spirits over and above the $4,881,876 which is the revenue today. Now, hon. gentlemen, there are according to the public returns, eight distilleries in Canada, located at Belleville, Guelph, Hamilton, Perth, Prescott, Toronto, Windsor and Halifax. There was used for distillation 1,409,000 lbs. of malt; 20,000,000 lbs. of corn; 6,000,000 lbs. of rye and 500,000 lbs. of oats and wheat, to produce the spirits that we manufactured in the country last year. Last year no spirits were manufactured in Perth, Prescott and Toronto. At Windsor—which is the largest—there was a consumption of 9,000,000 lbs. of corn and 3,893,000 lbs. of rye, so that we see, so far as the manufacturing interest of the country are concerned, in Windsor, right alongside the boundary of the United States at the most convenient point where they could get the material that is used for the manufacture of whisky, through importation. There are eight points which would be affected by any change in the law. Now is it in the interest of the country, or of these eight particular distilleries, that we should forego a revenue of $2,539,000 for any supposed benefits that we may think arise from the maintenance of these distilleries by high duties? I contend, hon. gentlemen, in the interest of the country that that is not the case, that it is far better that those distilleries should be thrown open to the competition of the world the same as the distilleries in Great Britain are—that if they were thrown open to the free competition of the world they would still maintain themselves, but the profit that is now diverted into the pockets of the proprietors would be returned into the revenue of the country. A portion of the whisky that is produced in Great Britain is, I believe, manufactured from corn. That corn has to go across the Atlantic, has to be manufactured there and brought back here before it enters into competition with the liquor distilled here, and I maintain that so far as throwing it open to the competition of the world is

concerned, it would not affect the distilleries, but merely the profits of the proprietor.

Hon. Mr. KAULBACH—I thought my hon. friend said increased taxation would decrease the consumption.

Hon. Hr. BOULTON--By raising the excise on spirits we find that our consumption per head has fallen. I do not think our revenue per head has fallen, but our consumption per head has fallen. We find in Great Britain, where the excise is $2.50 per gallon, the consumption is very little greater than it is in Canada under an excise of $1.70 a gallon. The increase of twenty-five cents a gallon will not affect the consumption very much one way or the other, but if there is any effect at all produced, it will rather lessen the consumption, but not sufficiently to make any material difference in the revenue. I do not think it would make any difference. However, the Inland Revenue return shows the distribution of the distilleries in the country. It shows the material that the whisky is made from and the quantity. It shows how far the revenue is affected, or would be affected, by a change of policy in regard to that particular point. What I wish to do is to bring the question before this House so that the hon. gentlemen could figure for themselves by looking through the Inland Revenue returns, exactly what the difference would be in the revenue by diverting the profit that is made in the manufacture of whisky through the protective policy into the treasury.

Hon. Mr. POWER—It is true, as the hon. gentleman says, that the increase which he proposes is not large, but is it not possible that the duty upon whisky is now nearly as high as whisky will stand, without a large increase of smuggling; and that if he increases the excise to a figure 25c. above the customs duties, and increases the customs duty also 25c. there will be a large increase of smuggling and perhaps not so great an increase of revenue as he expects?

Hon. Mr. BOULTON—That is a question, of course, which would come up in discussing that phase of the question. What I am discussing now, is the fact that by doing as I suggest you will increase the revenue to that extent. The fear that the hon. gentleman is raising in his own mind is groundless, because the increase of 25c. will not increase the smuggling. An increase of something like 8 per cent in the excise is not going to have any material effect on the smuggling. There is quite enough inducement to smuggle with a duty of $2.25 if $2.50 would do it. We have to face the question of smuggling, and we have to take effective measures to prevent it. Every country has had to go through the same experience, Great Britain, though an island, has had to deal with smuggling., and I have no doubt has to do so to-day. It is not a question which comes properly into the discussion; the question is whether, by adopting such a policy, certain results would follow.

Hon. Mr. READ (Quinté)—Will the hon. gentleman, before he leaves that question, explain to us how it is that the distilleries at Grenville, Toronto, and Perth were idle last year, if such immense profits are going into the pockets of distillers as he says? We know that only 27 per cent of the capacity of the distilleries last year was working?

Hon. Mr. BOULTON—I can explain it. The Government have adopted a policy by which they require that whisky shall be kept in bond two years, and a large accumulation has taken place in order to provide for two years' consumption. I presume in those places they had manufactured in excess of the requirements of the country. It is not that the distilleries have gone out of use, but there has been over production in a limited market, and the men in those three distilleries have been thrown out of employment.

Hon. Mr. DEVER—I can explain it. I think the distillers, finding the enormous profits arising out of manufacturing whisky, have multiplied to such an extent that the consumption of the country does not keep them all employed—that is the cause of it.

Hon. Mr. POWER—Is there a combine?

Hon. Mr. DEVER—There is no doubt of it. In one case a concern has retired from business with $15,000,000 made in a few years.

Hon. Mr. BOULTON—And it appears by the press he is residing in Detroit.

Hon. Mr. McCLELAN—The concentration of profits in the hands of the few might come from the fact that Mr. McCarthy's bill failed to go through—his law for the suppression of combines.

Hon. Mr. BOULTON—The hon. member from St. John has offered another explanation, and it is one that will fit into a great many of our manufacturing industries, because I know that many men have been thrown out of employment during the past year in the industries of the country. If employment has been reduced in that way naturally there is a cessation of consumption. The men who are engaged in these large industries watch things closely and they did not invest any more money by way of putting whisky into bond for future consumption than was necessary. I draw the attention of the House to the fact that at Belleville 233,000 gallons were made; at Guelph 289,000 gallons; at Hamilton, 289,000 gallons ; at Windsor 777,000 gallons, and Halifax 95,000. That is the distribution of the manufacture of whisky in the country last year.

Hon. Sir FRANK SMITH—What about Toronto ?

Hon. Mr. BOULTON—There was none made in Toronto, Prescott or Perth. So far as last year is concerned, it affected those five distilleries only. The next article that I desire to call attenton to is beer. The beer manufactured last year was 18,299,000 gallons. There was 50,000,000 lbs. of malt used in the manufacture of that quantity of beer, on which excise was collected at the rate of $1\frac{1}{2}$ cents per pound. It takes about 3 lbs. of malt to make a gallon of beer, so the excise in malt is about $4\frac{1}{2}$ cents upon a gallon of beer. The duty is 16 cents on beer imported in the cask, and 24 cents if imported in bottles ; so the 16 cents, if imported in casks, is the measure of protection which brewers receive in the manufacture of beer. There are 122 breweries in the country which are returned in the Inland Revenue returns as holding licenses for the manufacture of beer. All that they pay to the country through the excise is $4\frac{1}{2}$ cents a gallon on the malt (if my estimate is correct) used in the manufacture of the beer. These 122 breweries can arrange among themselves to fix the minimum price of beer and in consequence of the absence of any competition from the imported article, they are protected by 16 cents a gallon. It seems to me that it would be possible to raise the excise on beer up to the protection, but if there was even 6 cents a gallon of that equalized with the duties, it would produce a million dollars more revenue from the manufacture of beer. Those people who are now drinking beer would be contributing a million dollars to the revenue of the country. It would not cost them a million dollars to contribute that revenue because that amount, and more, is diverted for want of competition from their pockets into the brewer's pockets. I do not think that anybody can contend for a moment that the reverse is the case If there are a few breweries in the country, and they have a small market like this, and they are protected from outside competition by 16c. a gallon it is natural to suppose that they will increase the price of their article up to somewhere in the neighbourhood of the margin that the protection will allow. The price of beer in the country, according to quality, ranges from 30 to 40 c. a gallon. Mr. Sims, of the Bodega, who keeps our restaurant, informs me that he pays 60 c. a gallon for the best quality of beer in Montreal.

Hon. Mr. CLEMOW—There must be a mistake.

Hon. Mr. BOULTON—I inquired and find by the hogshead it was 30 cents to 40 cents a gallon according to the quality. So that is the margin of the price of beer. Supposing we were to throw all the breweries open to competition with the world, what position would they be in ? We grow the best barley that can be got on this continent. Our brewers purchase that barley for 55 cents a bushel. In England, where they make beer to an enormous extent, the price paid for barley is $1 a bushel. If it was thrown open to competition we would still continue to make that beer out of our own barley, the price would be very much less, and possibly the consumption would be increased, because the price would be lessened by competition, while the revenue would be increased in consequence of the cheapening and possibly the improvement in the quality of the article. Wherever you have competition there the best is produced. Wherever you lower the price

the consumption is increased, and if competition will lower the price then the consumption is increased. To my mind beer is a harmless and wholesome beverage. On the 18,000,000 gallons of beer, now consumed if there was an addition to the excise in some form or other—I do not know how it could be applied whether through malt or otherwise—there would be a million dollars added to the revenue. If you raise the excise still higher you could get a million and a half. However, I have limited my argument to show that you could get a million dollars more revenue without increasing the cost of the beer. The other revenue that I have spoken of to be obtained from spirits, amounts to $3,500,000. The quantity of beer imported is 310,259 gallons valued at $161,503 and the duty paid upon it is $65,060, showing that the duty is just 40 per cent on the value of the imported article. The next article that I have taken up is tobacco. We imported 10,000,000 pounds last year, on which we collected an excise of 25 cents a pound, producing a revenue of $2,500,000. The manufacture of tobacco is protected by 35 cents per pound and an additional 12½ per cent ad valorem. The 12½ per cent I calculate is about equal to 5 cents a pound so that in reality the protection to the manufacture of tobacco is 40 cents a pound. The excise is 25 cents, so the difference between the excise and the duty is the measure of protection which is afforded to the tobacconist in the manufacture of 10,000,000 pounds of tobacco which is imported free. Now, if the excise on tobacco were raised to be equal to the duty on tobacco—40 cents—there would be $1,000,000 added to the revenue on that consumption of last year, simply by taking off the protection and adding it to the excise. That would make a difference of $1,350,000. Then there are cigars that are manufactured in Canada, 120,000,000 cigars at about 57 cigars to the pound. The duty on cigars is $2 per pound and 25 per cent ad valorem. The revenue from the manufacture of cigars through the excise was $700,000, consuming 2,000,000 lbs. of raw tobacco in their manufacture. I have not been able to calculate exactly what the amount of protectionwas, because the duty is by the pound and the excise by the thousand. The excise is $6 per thousand and the duty $2 per pound, plus 25 per cent ad valorem; so I have just roughly put down that the difference between the excise and the duty, in regard to cigars, is about $200,000. Then, if we were to raise the excise on tobacco from 40 cents, which is the duty to-day, to 50 cents, or only raise it 10 cents over and above the duty, which is the measure of price the people have to pay to-day, you would increase the revenue by $1,000,000, and still be under the excise of Great Britain, which is 3 shilling or 3 and 6 pence the pound. Raising it 10 cents the pound up to 50 cents, and yet keeping it 25 cents below the tax in Great Britain, you increase the revenue to be derived from tobacco by $1,000,000. In consequence of its cheapness under the present excise, the consumption of tobacco is far greater in Canada than in Great Britain. I think all hon. gentlemen will allow that the excessive use of tobacco is not to be encouraged, that it is to be discouraged within certain limits, and that, therefore, so far as the health of the population is concerned, any reduction in the consumption, either of spirits or tobacco, is to be welcomed. By raising the excise 10c. on tobacco and 25c. on spirits, you increase the revenue $2,000,000 besides what we save on the beer. The difference between the duty and the excise on spirits is $1,000,000, excise on tobacco $1,350,000, on cigars $200,000 and on beer at least $1,800,000 (it is much greater than that but I have satisfied myself as to the correctness of that figure) or a total of $4,209,430. Now the point I have raised here is if the excise on beer and spirits and tobacco were made equal to the protective duty on the same, in the last five years an increase in the revenue would have resulted amounting to $4,209,430. I have shown by the figures which I have laid before you that the increase is $4,209,000, and then I go on to say that if 25c. a gallon on spirits and 10c. a pound on tobacco were added to the present duty, a further increase would result amounting to $2,000,000 more. The total consumption of spirits in Canada is 3,849,000 gallons. The 965,000 gallons that are imported, as well as what is manufactured in the country, would come under the increase of 25 cents a gallon and that would amount to $902,666, 10 cents per pound on tobacco would result in an increase of $1,000,000, a total increase of revenue to the country through these articles upon the present consumption would result of $6,173.796. Now, if hon. gentle-

men will look into these figures—for they have the figures which I presented the other day which are somewhat similar—and realize that that is the case, it becomes a matter of discussion in the country whether we could forego the benefit of raising $6,500,000 from this source while the revenue is deficient and while it is now necessary to tax the 300,000,000 pounds of sugar that goes into the consumption of the country at the rate of $1\frac{1}{10}$ cents per pound, an addition being found necessary this year of $\frac{1}{2}$ cent a pound on sugar, which resulted in an increase of $1,500,000. Now, hon. gentlemen, I show you here that by just altering the terms of our excise and removing the protection from those industries, that $6,175,000 will accrue to the treasury.

Hon. Mr. DRUMMOND—I do not know that, except upon the objection that the motion is somewhat purposeless, there can be much difference of opinion about it, because, if you will observe, it asserts nothing except a plain problem in multiplication. There is no opinion founded upon it, and indeed it is not a matter of opinion. This honourable body cannot, as a matter of fact, dissent from the statement that if you multiply a certain figure by another figure, a certain result will be attained, and that is the results of the proposition which has been submitted to the House when you boil it down. But it might be a matter of doubt whether this honourable House should take the trouble of affirming propositions of that simple character. I am not concerned in whisky, beer, or tobacco, except as a very small consumer of either. The House may be divided into two classes, those who use them and those who do not—those who think everybody should give them up but themselves, and those who think everybody should not give them up. I have no practical interest in the question whether the distillers or brewers or tobacco men make all the profits the hon. gentleman asserts or not, but one can see how extremely simple the procedure of the hon. Senator is; he multiplies the duty by the quantity consumed and at once hits off the profits of the manufacturer. The belated manufacturer in the meantime knows there are charges. I have not studied the question, but I would suggest that probably the corn, the oats, and the other materials from which whisky is made are dutiable articles in this country and that large duties are paid upon them. I would also suggest, as is obviously the case, that the limitation of two years' supply of whisky being kept in the country, for motives of a sanitary nature, before being entered for consumption at all, is a large element in cost which must be deducted from the fabulous profits which he makes out the distiller obtains. In fact the whole question is not so simple as the hon. member would make out. Nothing strikes me so much as the extreme facility which he possesses for solving the most difficult fiscal problems; everything of the kind which rises before him is immediately swept away. He sees no difficulty. The hon. member for Halifax, if I mistake not, stated there was a limit to the imposition of taxes upon whisky, whether of excise or customs, from the facility for smuggling and illicit distillation. Every practical person concerned in the making of the laws of the country recognizes the fact that there is a point in the imposition of duties on whisky and tobacco at which the revenue becomes totally inoperative. The illicit distillation and smuggling reach a point at which they cannot be suppressed. It is all very well to point to the duties in England and say, adopt an excise of so much, as they do. There they have facilities for suppressing frauds upon the revenue which we have not and never can have. They have frontier lines much smaller than ours, a much larger population and facilities which we can never possess. If it were not so, I for one would say by all means increase the duties and excise upon all those articles. I can very well spare them myself, but beyond the simple affirmation which this motion contains I think this House should hesitate at confirming, or being seduced into confirming any propositions of such a hypothetical character. It is perfectly true that if you take the average consumption for the past five years and multiply it by a certain figure, you get a certain result. There is no doubt about that. There are too many "ifs" in his whole proposition, and I for one think it is playing with this House—playing with the earnestness which should distinguish a body of such deliberative capacity as the Senate, to take up its time by the affirmation of propositions like this, which contain in themselves no element whatever of a practical character, beginning in nothing, going on in nothing, and likely to end in nothing.

Hon. Mr. BOULTON—What are your grounds for saying that?

Hon. Mr. DRUMMOND—The hon. gentleman sees no difficulty. With all respect, I for one, feel, and have always felt, an admiration for the continued urbanity of the hon. member for Marquette. With no disrespect, I would say to him, that it reminds me of a story; an old salt at the seaside saw some cockneys on a fine day sailing about, and they were cracking on with all sails set. His remark was, "There they goes; they fears nothing, because they knows nothing." Now, my idea is that if the hon. gentleman's enthusiasm for statistics were tempered with a little practical knowledge of business, or manufacture, or administration even—which may be within his reach—he would abandon the unreserved and unrestricted modification of the laws which he is continually submitting to the consideration of this House.

Hon. Mr. SCOTT—We of course take different views on subjects of that kind, and with all due respect to the hon. gentleman who has resumed his seat, it did appear to me there was a good deal involving a practical result in the statement made by the hon. member from Marquette. His point was that the revenue could be largely increased by the equalization of the excise and duty. I think that is a pretty self-evident proposition. The only argument that has been advanced against that is that if you increase the excise there is just so much greater inducement to smuggling. I quite admit that it is an increased inducement, but the smuggling goes on all the same at present, and I do not think the additional tax of 55 cents a gallon would affect it materially. The smuggling cannot be so considerable as to interfere very much with the revenue. We have evidence that in England it is found the best policy to raise the revenue on those very items. It was found to be the easiest way of raising a revenue, and it certainly is the very best in the interests of any country that if a tax is to be levied on any article it should be on the articles named. None of them are essential, none are necessaries of life; they are luxuries, and it would be a good deal better if less money were spent on them. If an increase has to be made at all, it is better that we should increase the tax upon them than upon any other article. There is just one point my hon. friend from Kennebec made which I quite saw the force of. He called attention to the fact that there was the duty on corn which would have to be taken into consideration, and I think the hon. member from Marquette did not allude to that.

Hon. Mr. BOULTON—I took it for granted that that would follow.

Hon. Mr. SCOTT—Then there is seven cents duty on corn which the distiller would have to pay, which would have to be considered in the rearrangement of any duty between excise and customs.

Hon. Mr. KAULBACH—I do not agree with my hon. friend who has just spoken that if you increase the excise 55c., there would be no more smuggling in the country.

Hon. Mr. SCOTT—I did not say that.

Hon. Mr. BOULTON—No more than there is now.

Hon. Mr. KAULBACH—I do not think that is the sound judgment of the House, because we know there is smuggling in the St. Lawrence and in the province from which I come to a large extent, and if we give the temptation of 55 cents a gallon more on spirits, there would certainly be more smuggling. Instead of having liquors produced in our own country, we will have the spurious liquors of other countries, and in this case would destroy an honest industry of the country, help the smuggler and advance the dishonest dealer. Besides, it is well known that there is a height at which taxation reduces revenue. I have no doubt the government have considered this in a practical manner, in a patriotic spirit, with practical common sense, so as to build up our own industries and to give exclusive employment as far as is reasonable to our own people. This motion is simply a question of arithmetic, and it is a self-evident proposition. If you raise the duty 55 cents a gallon, and the same quantity of liquor is produced in the country, a certain increase of revenue will be obtained, That is a question which does not require the deliberation of this House. The only question is whether my hon. friend's figures are right—whether he is capable of adding figures together. He does not even venture to assert

that it would increase the West India trade at all. We would have smuggling from that quarter. Instead of advancing the West India trade, which we in the lower provinces are anxious to do, and getting something in return for the fish and lumber that we send there, it would tend to the smuggling of spurious liquors into the country to the destruction of the revenue. Instead of having as large a revenue as we have now from spirits, we would have less revenue, and the people would be injured by the inferior liquors smuggled into the country. This is but another proof of what one-sided free trade would produce.

Hon. Mr. DEVER—I do not wish to enter into this discussion, because it is not in the line of my argument with reference to the revenue of the country, but I certainly cannot agree with the last speaker when he says that by increasing the excise we would incur the danger of more smuggling, especially from foreign countries. Now that could not be so, because the hon. member from Marquette, only asks that we retain the customs duties as they are at present.

Hon. Mr. POWER—Twenty-five cents more.

Hon. Mr. DEVER—I understood the hon. gentleman to say that he wants the excise raised to be equal to the customs duty on spirits. He means that there should be no protection for the manufacture of spirits in Canada, and to open up the markets of the world to the industries mentioned by the hon. gentleman from Marquette, and give them an opportunity that they are entitled to. I never can see why other portions of this Dominion should be taxed for the purpose of manufacturing alcohol. Some 70 per cent of the raw material from which it is made being imported from the United States in the shape of Indian corn. Whatever excise we may choose to put on, may be governed by whatever excise they are charging in the United States. Whatever duty they put on the liquors there is a complete barrier to us in smuggling, because if we go to the United States and purchase liquor in bond, we must bring it into our ports and enter it and pay customs duty on it. Consequently there cannot be smuggling in that. And if we purchase liquor out of bond and duty paid in the United States, there is no profit smuggling it into Canada either. There is nothing that I can see to controvert the hon. gentleman's argument, if the people choose to raise a revenue the way he proposes. In my judgment there is 50 per cent too much duty on spirits already, and the volume of revenue would be as large if a more moderate duty were imposed. I presume, though, that the government are the best judges in the matter, but if the taxes were equalized more, it would be better for the general trade and there would be less inducements to smuggle. The tobacco question is one that might be studied out with more consideration than at present, because I hold that the manufacture of tobacco does not amount to much after all. The consumer has to pay more than he should for the article. We have to import our tobacco—we do not grow it in this country. The little profit that might be made out of its manufacture in two or three factories in Canada is not worth considering. I do not know that we can discuss the subject properly here, because after all it is a question for business men to decide, and I would most anxiously wish, if possible, that we could have such a board as was petitioned for the other day—a board of real business men, who would project a tariff for Canada that would really be suited to the country instead of leaving it to gentlemen who have had very little experience in commerce.

Hon. Mr. WARK—I think the mover of this resolution has fallen into an error with respect to the effect of raising rates of taxation. In some cases if a rate is raised the revenue is increased. For instance, there is no evading an income tax. In England put on a penny and it produces so many millions of dollars revenue, but it is altogether different in taxing articles of consumption. It was the impression, I know, at one time that you have only to raise the duty and you will get more revenue from it, and you have only to reduce it and it takes a portion of the revenue off. I remember an instance a good many years ago, when a change of tariff, made under that impression, created quite a disappointment. It was thought that the revenue was more than sufficient to provide for the expenditure of the country. The Chancellor of the Exchequer reduced the duty on tea one-half, and to the surprise of himself and the country more revenue was

raised from tea that year than had been raised previously. Again you may reach a point beyond which people cannot bear taxation, and when you try to go beyond that, people give up the use of the article altogether, so that by increasing the tax you may get no revenue at all. A temperance advocate could not wish for a better argument than that which has been advanced by the hon. gentleman from Marquette. He could go to the consumer and say "the government are putting an increased tax on your luxuries. I can remember when tobacco paid only one penny a pound, but it has been raised and raised until the duty is more than the price of the original article, and I advise you to give up the pipe altogether." The consequence would be that the community could be induced, perhaps, to give up the use of tobacco altogether. There is an old proverb that if you tread on the worm it will turn, and if you impose too heavy a tax upon the people who use liquor and tobacco, you can very easily persuade them that they can do perfectly well without either and they will do without them. The temperance advocate would need no better argument than the one which the hon. gentlemen put in their mouths for a crusade against intoxicating drinks and tobacco.

Hon. Mr. POWER—The hon. gentleman from Shell River will have an opportunity now to reflect upon the ingratitude of man. The hon. gentleman found the government in a difficulty in respect to the revenue—he found that they expected to have during the present year a deficit of something over $4,000,000. The hon. gentleman, out of the goodness of his heart, undertook to point out to the government how that amount might be raised without any injury to the country, and instead of the advice being received with gratitude and with applause by supporters of the government, he is met with a very severe rebuke by the hon. gentleman from Kennebec division, and with anything but a cordial reception from the hon. gentleman from Lunenburg. I asked the hon. gentleman a question with respect to smuggling, and I find that the hon. gentleman from Kennebec division and the hon. gentleman from York (N.B.) who has just taken his seat and whom we are all delighted to hear speak once again in the House, seemed to think there was some force in the point to which my question was directed; but the hon. gentleman from St. John, who has perhaps rather more practical knowledge of the business than these hon. gentlemen, is apparently of a different opinion. He has given a very substantial reason why we should not look for very much more smuggling if the duties were increased, so as not to exceed the excise duties of the United States.

Hon. Mr. DEVER—I did not agree wholly with the hon. gentleman from Marquette.

Hon. Mr. POWER—I rose largely for the purpose of expressing my regret at the fact that there was so much human nature in the supporters of the government in the Senate. I quite concur in what has been said as to the desirability of raising the largest practicable revenue from liquor. There is one circumstance to which attention has not been called and which I think deserves some consideration. The hon. gentleman who has charge of the finances of this country, in his early days, was above all things an advocate of temperance—in fact, he was in favour of total prohibition. The hon. gentleman from Wolseley says he is that yet. If that is the case, the hon. Minister of Finance, if he were within hearing of the hon. gentleman from Shell River, should rise up and call him blessed for having indicated to him how he can remove his deficit and carry out his —I will not say hereditary principles, but his ancient principles, at the same time—how can he raise a revenue and tend to promote sobriety, and I hope that when the leader of the government comes to say a word on this subject, if he does say anything, he will show a little more gratitude than has been shown by some of his supporters in this House.

Hon. Mr. ALMON—I do not often get an opportunity to follow the hon. gentleman from Halifax, because as a rule the hon. member from Lunenburg rises to reply. But in this instance the hon. gentleman from Lunenburg has spoken first, and he is not at liberty to follow his usual practice. My colleague from Halifax, year after year, when there was a surplus, spoke of the surplus as money stolen from the people. Now, when there are deficits, he is not pleased either. He puts me in mind of the soldier

who was tied up to the triangles to be whipped. The man in charge of the cat struck him on the shoulder, but the soldier said, "Oh, don't hit me there." He struck lower down, and the soldier said, "Don't hit me there." After a few more blows with the same result, he threw down the cat and said, "Damn it, there is no pleasing you." It is the same way with the hon. gentleman from Halifax—he is not pleased when there is a deficit and he is not pleased when there is a surplus. Now, I shall leave him to say which horn of the dilemma he is most pleased with.

Hon. Sir MACKENZIE BOWELL—I can scarcely believe that my hon. friend who has moved this motion expected its adoption by the Senate. It involves a change in the whole fiscal policy of the the country, and if carried out in their entirety, might possibly have the result that he anticipates. He has been so well answered by the hon. gentleman from Kennebec that I need only repeat what he said—his argument amounts to this, that if he multiplies a figure by two, he will get a much larger revenue by multiplying by a larger figure. I do not think it all necessary to enter into a general discussion of a question involving so grave a principle as the one that he has propounded to the House. To treat it seriously if I understand his motion, it means this, that you should increase the excise duty on spirits, tobacco and beer to a sum equal to that imposed upon those articles when imported, and by doing so you would increase the revenue, by a certain sum. If the hon. gentleman's system were adopted, all the spirits used in the country would be imported from abroad; none would be made here, for the simple reason that the corn out of which it is manufactured, is produced cheaper in a foreign country than it is here. He has only to compare the cost of producing spirits in the large distilleries of Ohio and the west with the cost of producing spirits in Canada, to see how fallacious his argument is. It resolves itself into this narrow compass—equalize the excise and custom duties and you close every distillery, tobacco factory and brewery in the country. If that would prevent the consumption of tobacco, spirits or malt liquors, you might say that much good would be done to the morals of the people of this country, but as he proposes to have it imported from a foreign country instead of being made here, the result would be the destruction of the market for all the barley that is grown here and every other grain used in the production of these spirits. The people would have the privilege of paying a duty upon an article manufactured in a foreign country, and would lose whatever benefit would be derived from the local industries. That would be really the practical result if his views were adopted. I do not think this country is prepared for that. If you close the industries of the country and leave no employment for the people, whether it be in the production of one article or another, I should like my hon. friend to solve the problem as to where you would find the throats to swallow the liquor from whom the revenue is raised. If you have nothing for the people to do in the country, they will leave, and consume the products of the country in which they live. I was not a little pleased and amused at the remarks which fell from the senior member from Halifax. He generally reads us a lesson on the manner in which all subjects should be treated in this House, and if we could have listened to him without seeing that smile on his countenance which indicated the keenest sarcasm dealt out to the hon. member for Marquette, we might have believed him to be very sincere in the remarks which he made; but sitting in front of him as I did, and reading as I thought I could read, his real, inward feeling, as indicated by the smile on his countenance, I do not think there is any difficulty in arriving at a correct conclusion as to his meaning when he gave us that little lesson. My hon. friend from Marquette, I suppose, does not mean to put this motion to a vote. I have no objection, if he wishes it, to test the opinion of the Senate on a question of such vital importance. I could not help thinking when I heard the story told by the hon. gentleman from Kennebec, that he might have gone a little further and quoted from Shakespeare the expression of Prince Hal when he read the account of Falstaff's personal expenses—"O, monstrous, but one-half pennyworth of bread to this intolerable deal of sack."

Perhaps it is not strictly parliamentary, but it strikes me that the quotation is so pointed and so applicable to the speech of my hon. friend that he will forgive me for reading it. We have an intolerable amount of sack for

a very little bread, or in other words, we have a great deal of talk, and a great many statements as to what would be the resu t by simple multiplication of items in order to increase the revenue, with a very little amount of logic or practical knowledge of the subject with which the hon. member is dealing. If he will reflect for a moment upon the few words uttered by our venerable friend (Mr. Wark) he will find that there is a fund of wisdom and common sound sense in his statements. His utterances were few, but of such practical character that anyone who has given the slightest attention to the operation of the excise and customs duties and their effect on trade generally, must come to the conclusion that that gentleman not only understood what he was talking about but had a practical knowledge of the whole subject. If you admit any such scheme as that propounded by the hon. member from Marquette, the result will be that indicated by the hon. member from Kennebec.

Hon. Mr. BOULTON—I do not see that there has been any attempt to confute the statement I have made. There has been a considerable amount of denunciation, but when I am advocating a policy and producing facts and figures which is the guide to the legislation of the United Kingdom in regard to the revenue which has produced such magnificent results in that country, I can afford to rest my case upon the position which has been assumed there. What I am advocating here is identically the method that has been adopted in Great Britain with regard to the revenue—the method that has resulted in not much greater consumption of spirits and a less consumption of tobacco there than here ; so that, so far as the effect upon consumption of spirits is concerned, it is beneficial from the point of view of the temperance people ; so far as the revenue is concerned, it is beneficial in so far as it relieves a large portion of the necessaries of life from the duty they are subjected to and places it upon that which is not a necessary of life. I can rest my case quite fearlessly upon the broad ground that the policy that I am advocating is the policy that has been pursued for the past 50 years so successfully in the British Isles, where the hon. leader of this government came from in his youth, and it must be still fresh in his memory at the magnificent effort that was made by Cobden and Bright and their allies to throw off the burden of monopoly engendered by the protection of a century and upwards. Seventeen years only has been the growth of protection in Canada and the effort to throw it off here is comparatively easy compared with the efforts put forth in Great Britain in 1845 ; if the hon. leader of the government will only forego the political benefits he may derive at the hands of monopoly. If he has any regard for pursuing a broad and liberal policy in regard to Canadian unity within the British Empire under the bonds of the British constitution, in regard to the employment of labour, and in regard to the advancement of the labouring classes, I say that he will study the figures that I have put before him and compare them with results that have been obtained in regard to both consumption and revenue in Great Britain and see what effect they are likely to produce on the line of temperance. I believe there are four millions of total abstainers in the United Kingdom. That is his responsibility to the country. The hon. member from Kennebec division is standing up in his place as one who is personally benefited by the protection put upon sugar. 300,000,000 pounds of sugar come into the country raw and it is manufactured by him under the sugar trust, and he is protected in that manufacture by upwards of $\frac{1}{2}$-cent a pound by special and favoured legislation which enables him to collect it from the whole population ; the whole tax is one and one-tenth cent per pound resulting in a tax of $33,000,000 upon this prime necessity. I do not know whether he is defending himself for private reasons against the position that I have assumed, but it is quite a difficult thing for the hon. member from Kennebec to rise and combat the statements I have made in order to transfer the burden of taxation from sugar to spirits. To his soliloquy on the folly of free traders, given as follows :—"There they goes. They fears nothing, 'cos they knows nothing." I might add : "They has nothing" because he and his allies "has it all." It is quite a different thing for the leader of the government, who has to deal with these matters honestly between one portion of the country and another, between one individual and another. Why the trade between this country and the West India Islands should

be closed and trade opened up with Kansas for corn, I fail to see. That is what has taken place; our trade between St. John and the West Indies that used to flourish is practically closed.

Hon. Sir MACKENZIE BOWELL—Where would the whisky come from?

Hon. Mr. BOULTON—We would manufacture it. Instead of manufacturing whisky from the raw corn, our distillers under the pressure of competition would be compelled to use malt, in order to compete with the Scotch distillers who export so largely, and into such competition our barley could enter most successfully for export. I am not speaking of spirits, or rum; I am speaking of the whole question. At the present moment you levy the duties in such a way that you close up your trade between the maritime provinces and the West Indies, and you open up trade in corn between Windsor and Kansas. We can not benefit in any degree from the corn which goes into the manufucture of our spirits, except by its passage across the river from Detroit. There is a duty of 7½ cts. a busbel on that corn imported into this country, but what is 7½ cents duty on six hundred thousand bushels of corn used by the distillers, $42,000, beside an increase of two or three million dollars on spirits alone. It is protection that manipulates the legislation to the destruction of one point and the elevation of another. That is the principle we are acting upon at present—a principle which I hope will soon be abandoned for the sake of the greater development of the Dominion, for the sake of the extension of this country upon the broad principle of cheapening the cost of production in order that labour may benefit more through the development of capital and wealth. The leader of the government argues that the result of this policy would be that there would be nobody left in this country to drink anything, but experience has shown that by cheapening the cost of production you do not decrease the population who enjoy the benefits. You may change the methods of industrial works, but you do not destroy the demand for employment, or destroy population, just the reverse. If as the hon. leader says he must vote against the motion because its effect will be to destroy the fiscal fabric which is now the policy of the government, I can only say that it would be well for the leader of the government in that case to consider the wisdom of building the fiscal fabric of the country anew and upon a solider basis, and a basis that has proved so successful in the United Kingdom. The fact that other nations have not the constitutional ability to rid themselves of the monopoly engendered by protection is no argument to the contrary. I have no desire to impose the resolution if the House will permit me to withdraw it, but I think the hon. gentlemen should fairly say that the figures are correct, because if they say they are not, they should be proved to be so.

Hon. Mr. ARSENAULT—Strong a supporter of the government as I am, I would certainly oppose this motion if it were proposed by the leader, let alone being proposed by a member of the opposition. With regard to liquors I will say nothing, as other gentlemen have dealt with that item in a satisfactory manner. We all know that tobacco is very extensively used by rich and poor, by the labouring classes especially, and the taxes they now pay on it are about as high as they can afford. You might as well try to send the fisherman out to sea to fish without nets, lines and bait, as to send him without his tobacco. It is the same with the lumbermen, and with nearly all labouring men. It is a comfort to them to have a smoke, and they will have it. The rich man has his smoke, and many other luxuries; he can well afford to pay for them and no one finds fault. On manufactured tobacco there is now a tax in the shape of duty and excise of over twenty-five cents per pound, and if you add ten cents more on the importation or manufacture, that means fifteen cents more per pound to the consumer. Manufactured tobacco sells now at sixty cents per pound; add fifteen cents and you have seventy-five cents, thirty-five cents of which is duty and excise. Why should the poor man be so heavily taxed on the only luxury he can afford to enjoy? Why would you impose such a penalty on him, in order to raise a revenue for the benefit of the rich man, whilst the poor man is very seldom benefited with the smallest portion? I shall certainly vote against the resolution.

The SPEAKER—Does the hon. member withdraw his motion?

Hon. Mr. BOULTON—I withdraw the motion on the ground that the question before the House is a matter of fact and therefore not debatable.

Hon. Sir MACKENZIE BOWELL—I would suggest if we are to have a matter of fact resolution which is not debatable on the paper that it should be ruled out of order, but if it is debatable we could vote upon it. It is just as well the Senate should declare whether we should adopt this system——

Hon. Mr. BOULTON—The question is not whether we shall adopt that system, but whether by pursuing a certain course, such a result will follow.

Hon. Sir MACKENZIE BOWELL—I do not know what the hon. gentleman means by saying the question before the Senate affirms no principle. If you say "yes," it will devolve upon the government, if they act in accordance with the opinions of this House, to change the present system of taxation. If you say "no," it leaves the government free. You could not put a proposition in a fairer and more distinct form than this is put.

Hon. Mr. POWER—The facts happen to be against the government; that is all. Do I understand the government supporters propose to vote that two and two do not make four?

Hon. Mr. MASSON—They may vote that an increase of the excise will not increase the revenue.

The House divided on the motion which was rejected on the following division:

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## SECOND READING.

Bill (95) "An Act to incorporate the Grand Falls Water Power and Boom Company."—(Mr. Perley,)

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Bill (79) "An Act to incorporate Gilmour & Hughson (Limited)."—(Mr. Clemow).

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, 17th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BAIE DES CHALEURS SCANDAL.

MOTION.

Hon. Mr. LANDRY moved for an order of the Senate for copies of the following papers:—

1. The sworn declaration of M. François Langelier, Member for Quebec Centre, given on the 6th November, 1891, before the Royal Commission which investigated the Baie des Chaleurs scandal, stating that he endorsod M. Pacaud's and M. Tarte's promisory notes, but that he never, directly or indirectly, profited a cent by them.

2. The sworn declaration of the said François Langelier, stating that when he gave those notes, he calculated that those notes would be paid by subscription, adding: "We calculated that we would not have to pay a cent on the amount of those notes and we were determined, if we had to pay, to each pay our share of the amount."

3. The sworn declaration of the said François Langelier, stating that as to the notes concerning the contestations, "We calculated, as he said, that the amount would be paid by the deposits, when

the deposits were withdrawn, and that if their was anything lost out of these amounts, we would bear the loss between us, saving the attempt to get assistance from friends as we done previously."

4. The sworn declaration of Ernest Pacaud, making the following statement: "Whether there was a settlement of the election contestations or the disposits were withdrawn in any other way, the deposits were applied to paying the notes, and then those who had signed were no longer liable."

"Q. When you had the notes for election expenses signed and discounted, you intended to get political subscriptions to cover these notes?"

"A. Yes."

"Did you start these subscriptions afterwards?"

"A. No, because I had other money to pay them. I had some subscriptions, but I did not push them as I had other money to pay the notes."

"Q. Money from the $100,000?"

"A. Yes."

"Q. Which went to pay this?"

"A. Yes, Your Honour."

5. The following promissory notes or any other, endorsed by the said François Langelier, and paid by M. Pacaud out of the $100,000 of the Baie des Chaleurs boodle.

EXHIBIT No. 88-1.

$5,000.00. 15,500

QUEBEC, 28th February, 1891.

LA BANQUE DU PEUPLE, 28th February, 1891, QUEBEC.

Two months after date, for value received, I promise to pay to the order of the Honourable Honoré Mercier, the sum of five thousand dollars.

(Signed) ERNEST PACAUD.

Endorsed—HONORÉ MERCIER, F. LANGELIER, C. A. P. PELLETIER, ERNEST PACAUD.

Protested for non-payment, Quebec, 1st May, 1891; costs, $3.58. C. T., N.P.

$5,000.00. QUEBEC, 6th May, 1891.

PAID 6th May, 1891, QUEBEC.

The Banque du Peuple. Pay to (M. note) or bearer, five thousand dollars.

(Signed) ERNEST PACAUD.

EXHIBIT No. 88-10.

$1,000.00. QUEBEC, 31st March, 1891.

Two months after date, I promise to pay to the order of Ernest Pacaud, one thousand dollars, for value received.

(Signed) J. ISRAEL TARTE.

Endorsed—ERNEST PACAUD, F. LANGELIER.

BANQUE DU PEUPLE 11th May, 1891, QUEBEC.

1895.

$1,000.00. QUEBEC, 11th May, 1891.

LA BANQUE DU PEUPLE.

Pay to (Tarte's note) or bearer, one thousand dollars.

(Signed) ERNEST PACAUD.

BANQUE DU PEUPLE, 11th May, 1895, QUEBEC.

BANQUE DU PEUPLE, PAID 11th May, 1891, QUEBEC.

EXHIBIT No. 88-9.

$5,000.00.

QUEBEC, 1st April, 1891.

THE BANQUE NATIONALE, 6th April, 1891, QUEBEC.

Four months after date, for value received, I promise to pay to the order of the Honourable Honoré Mercier, the sum of five thousand dollars.

4th August. (Signed) ERNEST PACAUD.

Endorsed—HONORÉ MERCIER, J. ISRAEL TARTE, C. A. P. PELLETIER, CHS. LANGELIER, F. LANGELIER, G. DEMERS.

QUEBEC, 22nd July, 1891.

UNION BANK OF CANADA, 22nd July, 1891, accepted, QUEBEC.

To the Cashier of the Union Bank of Canada. Pay to .....or bearer, five thousand dollars.

UNION BANK OF CANADA, 22nd July, 1891, Paid Quebec.

(Signed) ERNEST PACAUD.

$5,000.

EXHIBIT No. 89-9*a*.

$3,000 QUEBEC, 1st April, 1891.

THE BANQUE NATIONALE, 6th April, 1891, QUEBEC.

Four months after date, for value received, I promise to pay to the order of the Honourable Honoré Mercier, the sum of three thousand dollars.

(Signed) ERNEST PACAUD.

Endorsed—HONORÉ MERCIER, J. ISRAEL TARTE, C. A. P. PELLETIER, CHS. LANGELIER, G. DEMERS.

ATTACHED.

QUEBEC, 22nd July, 1891.

UNION BANK OF CANADA, Certified, 22nd July, 1891, QUEBEC.

Union Bank of Canada, pay.....or bearer, five thousand dollars.

UNION BANK OF CANADA, Paid, 22nd July, 1891, QUEBEC.

(Signed) ERNEST PACAUD.

EXHIBIT No. 205.

$5,000. QUEBEC, 15th April, 1891.

7363

Property of the UNION BANK OF CANADA

One month after date, for value received, I promise to pay to the order of the Honourable Honoré Mercier, at the office of the Banque du Peuple, the sum of five thousand dollars.

(Signed) ERNEST PACAUD.

UNION BANK OF CANADA, Paid, May 9th, 1891.

Endorsed—HONORÉ MERCIER, CHS. LANGELIER, C. A. P. PELLETIER, F. LANGELIER.

1895.

EXHIBIT No. 86-1.

$5,000. 18,178

QUEBEC, 15th April, 1891.

LA BANQUE NATIONALE, 15th April, 1891, QUEBEC.

One month after date, for value received, I promise to pay to the order of the Honourable Honoré Mercier, at the office of the Union Bank, the sum of five thousand dollars.

(Signed) ERNEST PACAUD.

Endorsed—HONORÉ MERCIER, CHS. LANGELIER, C. A. P. PELLETIER, F. LANGELIGR, ERNEST PACAUD.

LB BANQUE NATIONALE, Paid, 15th May, 1891, 3 QUEBEC. 3

QUEBEC, 14th May, 1891.

The Banque Nationale. Pay to (note of the 18th May) or bearer, five thousand dollars.

(Signed) ERNEST PACAUD.

Hon. Mr. POWER—I rise to a question of order. As I understand the motion, the hon. gentleman asks for certain papers which were submitted before a Royal Commission issued by the Lieutenant-Governor of the province of Quebec. Now, the Governor General and his Council have nothing to do with those papers. They are not under their control or keeping, and if the hon. gentleman wants a copy of them the proper place to apply is in the Quebec legislature. I do not intend to argue the question, but it is clear on the face of it that this is not the place to ask for those papers. We had an inquiry in relation to the Baie des Chaleurs matter before the Senate, but that is a different thing. The papers and evidence which were submitted to Commissioners appointed by the Lieutenant-Governor of the Province of Quebec should be asked for in the legislature of that province.

Hon. Mr. LANDRY—If the hon. gentleman will refer to the Debates, he will notice that all these papers were sent here to Ottawa, addressed to the Secretary of State, for the Governor General.

Hon. Mr. ANGERS—I do not think that the point of order is well taken. I know that some of the documents, the correspondence exchanged between the Lieutenant-Governor of the province of Quebec and the Prime Minister of the province at that time, were duly forwarded to the Governor General.

Hon. Mr. POWER—Not these papers.

Hon. Mr. ANGERS—Those papers upon motion were brought before this House, and if I recollect right, after the investigation so as to fully inform the officer to whom the Lieutenant-Governor of the province of Quebec was responsible, the report of the Royal Commission also must have been transmitted. There was never any motion to have the whole of it put before the House. The present motion is to have a portion of it brought down. If this report was made, there can be no objection on the part of the government to have the papers brought before the House. The papers are a portion of the public records of the Dominion.

The motion was agreed to.

## THE LANGENBURG AND SOUTHERN RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. LOUGHEED moved the third reading of Bill (55) "An Act to incorporate the Langenburg and Southern Railway Company".

Hon. Mr. POWER—I wish to make just a few observations before this bill is read the third time. The House is, as a rule, reluctant to interfere with the report of a committee, but there is no absolute rule on the matter. If there were any impropriety in the House undertaking to discuss and if it thought desirable to send back the report of a committee, parliament in its wisdom would not have provided that the reports of committees should come before the House for approval. It may happen sometimes that the report of a committee does not commend itself to the judgment of the majority of the House, and then it is perfectly right and proper for the House to ex-

press its opinion on the report; and particularly if there has been a division in the committee itself, there is not the slightest reason why the conclusion at which the committee have arrived should not be considered by the House.

Now, this bill is one which deserves some consideration at the hands of the Senate. There was a division of the committee on the matter, and there may be some hon. gentlemen who are not familiar with the bill. It may be well, therefore, to briefly state what it is and the circumstances under which it comes before the Houre. Some years ago parliament incorporated a company, by the name of the Manitoba and North-western Railway Company, for the purpose of securing the construction of a railway from Portage la Prairie to Prince Albert. The original act has been amended on several occasions. The company have been granted extensions of time, and other amendments have been made to meet their views. They borrowed a considerable amount of money—over $2,000,000—from capitalists in England. The company had built at that time, I understand, something like 150 miles of road. They had completed about 150 miles, for which they were in debt, and they had some 30 miles under construction, and in order to secure the money which they required, they mortgaged the first division of their road from Portage la Prairie, to a point at or near Langenburg—180 miles—the first division of the Manitoba and North-western Railway—to the London capitalists who advanced some two millions of dollars. Default was made in the interest, and the holders of the bonds and mortgage have undertaken to realize on their security. Litigation is going on between the two parties; and that being the position of affairs, the original borrowers come to parliament and ask us to incorporate this company, made up of the original borrowers, who propose to build a road from Langenburg, near the end of the 180 miles mortgaged to the London people, running nearly due south to the line of the Canadian Pacific Railway. The effect of the construction of that road will be to transform those 180 miles which were mortgaged, as the first division of the Manitoba and North-western Railway Company, into a purely local road, while the through business from Prince Albert, if there is any, will go down the new road, which will be operated by the same people who own the Manitoba and North-western Railway—the original Manitoba and North-western Railway Company. The natural effect of that will be, of course, to render the security held by the London lenders of money worth very much less than it would be under other circumstances. They will simply hold security on a local road, and that local road will be deprived of the important branch which is mentioned in this charter. The bill which is asked for is not such legislation as would commend itself to the deliberate judgment of any member who believes that justice is an essential quality in law. Some people think that law and justice are not identical, but in enacting statutes at any rate we should try to make none but just laws, and my contention is that this proposed law is not just. Substantially it means that the borrowers in this case get the legislation for the purpose of diminishing the value of the security which they offered for the very large sum of money loaned them by those London people. I think it is only necessary to state that position to make it clear to the mind of any gentleman who looks at it in any impartial way that the object of the bill is what we might call, from a legislative standpoint at any rate, an immoral object. It has been alleged by some hon. gentleman that we need care very little about the people who loan the money or about the people who borrowed the money; all we need care about is the development of the country. I do not think there will be any very greatly increased development of the country through the passing of this bill; but surely the hon. gentleman who take that view loses sight of the fact that the end does not justify the means and that righteousness, and not rapid progress "is the thing which exalteth a nation." That is my first objection to this legislation that it is unjust and, in a wide sense, immoral. My second objection is that the passing of this bill into law will be injurious to the prospects of railway building in Canada, and more particularly in the North-west. Everyone knows how sensitive capital is, how easy it is to frighten it away from any class of investments, and I cannot help feeling that the effect of passing this measure into law will be to shake the faith of capitalists in London, and elsewhere, in our Canadian railway securities. If, when promoters in this country go to London, or New York, or Paris seeking to borrow

money for the construction of a railway in Canada, capitalists feel that the security which is offered to them may be rendered, if not absolutely valueless, still of very much less value than they are given to understand it possesses, by the passing of new legislation, they will hesitate very much about lending their money on the security of Canadian railways. Take the very instance before us; supposing that we pass this legislation, and money is borrowed for the construction of this new line, and supposing such difficulties arise as have arisen in this case, there is nothing to hinder the promoters of this company, the men who borrowed something over two million of dollars in London and who probably propose to borrow more money to construct this road, from building another road starting at a point further west than Langenburg and cutting out the road which is proposed to be built under this legislation. I cannot help feeling that it is a very dangerous thing indeed for us to do anything which is calculated to shake the faith of British, American or French investors in our railway securities. In asking that this bill be not read the third time, and in asking hon. gentlemen to vote against the third reading, I do not think the interests of any one are likely to suffer very much. The interests of both parties in this case are identical; it is nearly as much in the interests of the bond holders of the first division of this road that the line should be built to Prince Albert and that it should do a large business, as it is in the interests of the people who are now seeking to have this bill passed. The more business is done over the road and the more successful it is the better it will be for the persons who own the first 180 miles; but if we can pass this bill we put it into the power of the people who get the legislation to cut off this road from Langenburg to Portage la Prairie and make it a purely local road. If we do not pass this legislation and leave the parties to settle with one another, as I think they ought to do, what will be the effect? The bond holders, or mortgagees, cannot be guilty of any very serious injustice to the incorporators of this new company or to the original Manitoba and North-western Railway Company; and I shall just read a couple of paragraphs of the petition presented on behalf of the mortgagees to show that:—

20. Ever since the appointment of the receiver (August, 1894), the road has been operated under an agreement between the Messrs. Allan and the bondholders; and the revenue and expenditure of the whole line has been divided according to schedules proposed by the Messrs. Allan themselves and ratified by an order of the court (15th August, 1894.)

21. It is in fact absolutely impossible for the bondholders to be unreasonable, even were they foolish enough to desire to injure themselves by so doing, for the following reasons;—

(1.) During the suit there exists the arrangement already referred to. If it should be terminated at any time the court has directed its master to fix a proper division of receipts and expenditures;

(2.) After the suit, if the bondholders or others become purchasers of the 180 miles, the railway act (section 278) provides that the purchaser can only operate the road for a year under license to be obtained from the Minister of Railways; and that during the year the purchasers must come to Parliament for leave to continue.

22. It will, therefore, be seen that it is out of the power of the bondholders to be unreasonable. During the suit the court, and after the suit the Minister of Railways and Parliament, regulate the relations between the bondholders and the Messrs. Allan.

Now, hon. gentlemen, I do not think there is any absolute and urgent necessity for the passage of the bill before us to justify this House in passing it. Those people entered into arrangements and agreements with one another, and I think we had better let them fight the questions out themselves, and not interfere until it is absolutely necessary. This bill is really such legislation as in the United States would be held unconstitutional, inasmuch as it is to alter contracts which have been made between parties. There is just one other observation which I may make incidentally—that if this bill passes and the original Manitoba and North-western Railway Company undertake to construct this road, they will find it much more difficult to borrow money on their road to Prince Albert than they would otherwise, because the whole road from Prince Albert to Portage la Prairie is a better security and investment than the road from Prince Albert to Fleming. I think that is the name of the station on the Canadian Pacific Railway which they propose to select. Under the circumstances we should defer this bill until next session at any rate, and I have no doubt but that in the meanwhile the parties will have agreed among themselves upon some reasonable and equitable arrangement. I think that we should reject this bill.

Hon. Mr. KAULBACH—I was on the Railway Committee and voted for this bill

because I was under the impression that those who held the 180 miles were quite satisfied with the lien they had upon that section and had no interest in the road going to Prince Albert—that it would not be built by them and as they had the end of it, they could by reason of that fact, prevent the road being built, and the object was to place the parties in a position under this bill so that they could not fairly negotiate with the owners or mortgagees of the 180 miles, who are trying to separate it from the rest of the railway and leave the line beyond Langenburg worthless, without an outlet. The Allans desire that the whole line to Prince Albert should be built. Unless they got this bill they would be paralyzed and could not continue the road to Prince Albert and it would not be built. They want another road down to connect with the Canadian Pacific Railway so that they will be in a position to negotiate with those holding the 180 miles, and come to favourable terms; therefore the suggestion my hon. friend from Halifax makes to wait a year and give them an opportunity to negotiate among themselves would be futile. I do not think this road will ever be built, but I want to see this company in a position to say to those who own the 180 miles "come to fair terms and let us have the road built to Prince Albert, you have the paying part of it, and you want to frustrate the object and intention of the legislature to build the road through to Prince Albert." I voted for the bill believing it would be the means of continuing this road, as was intended by the previous grant, and the refusal of this charter will prevent the completion of the road, which in the public interest should extend to Prince Albert.

Hon. Mr. McCALLUM—As a member of that committee my hon. friend from Halifax says that it would be better to let the company and the mortgagees fight this among themselves, that we should not interfere. He says their interests are identical. But I would remind the hon. gentleman that there is a third party, the people who live in the vicinity of the road and expect to get railway facilities to bring their produce to market, and it is their interests that I want to look after. The parties who hold a mortgage on the road, have taken their security and should look to it. They invested their money but that does not justify them in retarding railway construction in the North-west for those people who need an outlet. There are people living at Elkhorn, on the Canadian Pacific Railway, and Langenburg, a distance of 70 miles. If the company build the line across they will give those people railway facilities. Are we here to legislate in the interest of bondholders who have made a bad bargain, or are we here to legislate in the interest of the people of this country who want an outlet? There is no use coming here and saying the company did not meet the interest on the mortgage when it was due and therefore the people in that country must not have railway facilities. As I understand it, the promoters of the bill before the House now want to construct a railway to give an outlet to the people. They have spent a large amount of money in that part of the country already, and in order to be able to utilize what they have spent, they want this legislation. Are we going to tell them "You shall not go any further with your railway until you pay the mortgagees the last dollar." The interests of the poor people that are struggling now in the North-west will govern my vote here. Therefore, I have much pleasure in supporting the bill.

Hon. Mr. BELLEROSE—I am a member of the committee and before the committee met I had a conversation with the petitioner who spoke to me about that road, and I gave it as my probable decision that I should support the bill, because I have always been in favour of colonization railways, and if everything was as he represented it, I should most certainly vote for the bill; but when the matter was before the committee, and the representatives, not only of the petitioners, but of the bond holders in England, were present and I heard the discussion and learned all the facts I could not help believing that it would be unjust and unfair to the bondholders to grant this legislation. The argument of the hon gentleman from Monck is good—it is an argument which we use very often, that a railway is in the interest of the settlers and of the country as a whole. It helps colonization, it is true, but there is another thing which we must not lose sight of—we must not steal the money of our neighbours to build our railways. My conviction is that that is what we are asked to

do now. What are the facts? The company got an act of incorporation three or four years ago from the Canadian Parliament. They went on and built 130 miles of the railway on which they gave a mortgage to the bondholders in England. That was only 130 miles out of over 400 miles, which their charter covered. When the bondholders in England accepted the mortgage on 130 miles already built, was it not with a view that when the 400 miles should be completed their mortgage would be safe? They took a risk, no doubt, but there is risk in all business and even in every day life. They undertook a risk, but as there was 130 miles of the road already built they assumed that risk willingly. What right has this Parliament now to relieve the company of their obligation to build the 300 miles still unbuilt? Is that in our power? No doubt Parliament is supreme and can do what it pleases, but when I speak of having the power, I mean in equity and justice; have we the right to deprive the bondholders in England of the advantage they would have when the whole road to Prince Albert is built? I say so—it is an injustice. More than that, we are injuring the public credit. Hereafter another company may go to England and ask for money, showing their act of incorporation, and explaining that one-fifth or one-tenth of the line has been built already on which they are prepared to give a mortgage, and they will be told "Oh, your Parliament of Canada has no respect for obligations contracted by a company,—no respects for vested rights." I consider the whole thing is against the public interest and I felt that I was bound to change my views. I said "I came here prepared to vote for the bill in the committee, but I shall be obliged to vote against it after hearing both sides of the question." I cannot support such a measure.

Hon. Mr. DRUMMOND—As I had the advantage of being present at the discussion of this question in the Railway Committee, and paid considerable attention to the subject, I will be excused if I make a few observations on the bill more especially in reply to the remarks which we have heard upon it from the hon. member from Halifax. The bill was discussed fully and all the parties were heard at considerable length in the Railway Committee. On the one side Mr. Allan was questioned very fully and his answers struck me as being frank and dispassionate and in every way reliable. The hon. member from Halifax had every opportunity to subject him to cross-examination, and he took full advantage of his power. On the other side, the statements of the bondholders were presented by a skilled legal adviser, and we all know that when a full statement is made by a lawyer the statements which are made by laymen are comparatively unimpressive and defective. That has been my experience hitherto and it was my experience in the committee when this bill was before us. I am perfectly satisfied that the bondholders' case did not suffer in the slightest degree in the hands of the lawyer who represented them before that committee. Notwithstanding that, after a full consideration the committee divided upon the question and carried the bill by an overwhelming majority, a majority, I think, of three to one, or thereabouts. For my part, I thought the committee were entirely in the right, for, if you will observe, it ceases to be a question of a quarrel between the parties that is at issue in this case, although there are endless questions of quarrel between them. Still, it does not appear to me to be the duty of this House to enter into private squabbles or to take sides on any other ground than the public interest demands. The question comes up—is there in this bill the slightest approach to an interference with the rights of the bond holders in England savouring at all of confiscation or lack of regard for their interests? I think there is none. The hon. gentleman from Halifax omitted entirely—I do not say intentionally—to tell you what the exact facts were with reference to the position of this section of 180 miles. He said: "Grant this bill and this 180 miles will secure only local traffic and will lose the through traffic to Prince Albert." He omitted to tell you that the portion extending to Prince Albert is not built; he omitted further to tell you that we had the clearest evidence and statements from the parties interested; that if you do not grant this bill that portion will never be built. I can quite understand it. What becomes then of the vested rights in the extension to Prince Albert—rights which do not exist? When the bondholders loaned their money, they loaned it on a perfectly clear and carefully drawn up mortgage bond. Does that mortgage bond,

in addition to conveying this line as security for their money, anywhere state that they have a right to control whatever extension is to be made towards Prince Albert? Not at all—nothing of the kind. Are they entitled to take the remainder of the road by the throat and say "not only shall we take the property which is bonded for our money, but in addition to that we will demand from you that you go on with your money and construct the remaining portion of the road to be a feeder to ours?" Is there anything in the bond entitling them to do that? I do not see it. Now, the whole secret of the matter is this: had the population of that district increased with the rapidity which was anticipated when the project was undertaken, we should not have heard anything of those quarrels or of this case, for the road would have been built and paying expenses and giving a profit and everything would have been serene, but is there one of us that has not been disappointed in the progress of that territory? No. A great many of us thought that land would be in great demand and taken up with the utmost rapidity, and we bought property there, but we have been disappointed. We do not turn on the government which sold us that land and say "gentlemen we have lost our money; we put our money into this country and we have had nothing but trouble and worry and constant expense and we look to you to make it up to us." I do not think the circumstances would be a bit different from those of these gentlemen who, in conformity with the terms of their mortgage bond, have received their property and now own and operate it. In my view we have nothing to do with it. We must consider this question solely in the public interest, and in the public interest it is perfectly clear that the construction of this road is demanded, for, in addition to serving the purpose primarily in view, which is to give such a reasonable prospect of the extension of the remainder of the road to Prince Albert that money will be put into it by capitalists—it opens up a new section of the country and serves a district which at present is entirely destitute of roads. They have no right, therefore, in my view not only to get the road which is covered by their bond, but to have the virtual right to compel people to put money into a project which there is no prospect will pay unless you grant this charter. The hon. member from Halifax says that you must take care and not frighten away capital. That is all right enough, but it seems to me that that is an immoral plea just as much as the other. We are asked to seduce capital to come into this country by carefully hiding up——

Hon. Mr. POWER—By not perpetrating a swindle.

Hon. Mr. DRUMMOND—I am quite satisfied that capital will not be frightened out of the country, because these are not stock-holders relying upon an overestimate of the productive powers of the district, but they have come in secondarily and secured all the money they put into it by a mortgage bond. They have or they have not got the terms of their bond; have we been asked by the applicant for this legislation to interfere in any way with the terms of that mortgage bond, or to cut off any advantages that the mortgagees enjoy under it? We have not. There is not a man in this House who would propose or consent to such a thing, so that all the talk about contracts appears to me to be entirely superfluous. The object which Messrs. Allan disclosed to us is that they may be in a position to go on with the construction of the road to Prince Albert. They tell us distinctly that if this charter is not given they cannot get the means to do that, and I can quite believe that they have no such probability. A new country will be opened up by the construction of this road and the extensions of the old Manitoba and North-west to Prince Albert, and I cordially agree with the hon. gentleman from Monck that we should grant this charter.

Hon. Mr. VIDAL—I concur with the views that have been expressed in this matter by my hon. friend from de Lanaudière, and by the senior member from Halifax. It is not a question to be treated in the manner suggested by my hon. friend from Kennebec, nor do I think that the reason given by my hon. friend from Monck is sufficient to guide us in dealing with this measure. I do not fall one whit behind my hon. friend from Monck in my desire to promote the interests of the settlers in our North-west Territory, but in this matter I am perfectly convinced in my own mind, from what was said before the committee by the promoters of the bill, and by the advocate for the bondholders, that the idea of constructing this new road for

the benefit of the settlers never entered the mind of the promoters. Their sole object, clearly manifested by the statements made before the committee, was to obtain such a hold upon the enterprise in its present state as to prevent the bondholders from exercising any authority, control or power beyond what they already possess ; and that, if not with the purpose, certainly with the inevitable result of diminishing the value of the bonds of the company, which they hold. Speaking of the bonds, and speaking of the mortgage are two very different things. They have been spoken of here as though they were convertible terms ; it is not so. The bonds are the bonds of the company, and hold all the stockholders of the company responsible. The mortgage covers only 180 miles of the road that has been built and was given as part security for the payment of the bonds. It has struck me from the very first that the question before us, and which I believe would have come before the other House had there been an opportunity of presenting it, is a question of high principle, and while all of us are, no doubt, equally with the hon. member from Monck, desirous of promoting and protecting the interests of our settlers in the North-west, I. trust that every member of this House and the House of Commons has an equal if not a superior regard, for the protection of the character and good reputation of this country. That, to my mind, is the important feature of this bill—we are asked to do a thing which would subject the Parliament of Canada to a charge of assisting in an act, which I would call an act of gross injustice or wrong doing. I know other people view it differently. I am only speaking of the impression it makes on my own mind. The reason I have for coming to that conclusion I may briefly state. I have the highest possible respect for the Messrs. Allan. I believe them to be among the best and worthiest of our citizens, but the course which has been pursued by the Manitoba and North-west Railway Company indicates a very improper desire to control and do an injustice to the bondholders from whom they obtained their money. In the first place, the bondholders in England had no notice whatever that their rights were to be jeopardized by this legislation. It is quite true that the Manitoba and North-west Company in the early part of the session put a notice in the *Gazette*, that they would apply for a bill to extend the time to complete the work, in which, of course, the bondholders were as deeply interested as the stock-holders. A few words were added to the notice, "and for other purposes," which attracted a little attention from the bondholders, and one of them wrote to me asking that when the matter came before the Senate, there should be a careful examination of the bill to see that in getting legislation "for other purposes," they did not encroach upon the rights of the bondholders. I mention it to show that there was nothing to call the attention of the bondholders to the legislation now before us, in the notice which was given in the *Gazette*, although the bill so seriously affected their rights, jeopardizing their interests and reducing the value of their securities immensly. The notice in the *Gazette* was signed by a firm of lawyers and merely stated that application was to be made for a charter to construct a road from Langenburg to Elkhorn. It was a simple notice and would not attract anybody's attention. If that notice had been signed by the Manitoba and North-western Railway Company, or by the Messrs. Allan, there would have been then an intimation to the bondholders that something affecting their interests in the Manitoba and North-western Railway was about to be accomplished, or that their interests would in some way be affected by it. But they had no such notice, and the consequence was they only learned the fact after the bill had passed the House of Commons when it was too late to appear and present their case. They could only fall back upon the Senate as the last chance of protecting their interests, and they are looking to us to defend them from what they conceive to be a gross outrage and breach of trust. For what purpose can this railway charter before us be desired? It is not needed by the public. If the Manitoba and North-western Railway was working properly there would be no necessity whatever for the Langenburg and Elkhorn line. The gentleman before the committee stated that this line was to be 50 miles long. The hon. gentleman from Monck stated that it was to be 70, but at any rate the distance is not very great between the Canadian Pacific and the Manitoba and North-western Railway on the projected new line. By these two roads, I think the people of the North-west have

been afforded as good railway accommodation as they are likely to have for some time. Are we prepared for the purpose of benefiting a few of our settlers, to do what in the judgment of many and in my own judgment, would be a gross wrong to the parties who having faith in us and our country advanced money for the construction of the Manitoba and North-western Railway? They have advanced $2,500,000 for the construction of that road. It was not all used in the construction but it was advanced, and on what ground? Did they expect or intend it to be expended on a local road to go 180 miles only? By no means. The idea in their mind was that it was a part of the road extending over 400 miles to Prince Albert, that it was to be a through road and accommodate the traffic of a large section of Canada. They knew that the land grants and other aid given to this company was to be apportioned to and belong to the whole road. By the 180 miles being cut off, they forfeit all rights to any bonus or grant given to any other part of this road, and induced as there were by these circumstances to lend money, we should think seriously before we venture to pass legislation which, in effect, would be very seriously depreciating the value of their bonds. It is quite true that when failure occurred in the payment of the interest on the bonds the holders took steps to protect themselves. Surely they had the right to resort to such plans as parliament suggests for the preservation of their interests. They applied to the courts and succeeded there. I do not know that even the Allans objected. I believe they did not; I think they were parties to the desire to have a receiver appointed. But there is one fact that should be considered with regard to that matter—that is, that up to the time of the appointment of the receiver the receipts of the road fell very far below the expenditure—some thousands of dollars—but since his appointment the receipts have largely exceeded the expenses. So far as the running expenses of the road are concerned, they are covered by the earnings. I do not know that any dividends have been paid upon the investment, but as far as the running expenses are concerned, since the appointment of the receiver that has been the result. I do not mean to say that there has been very great mismanagement, although the bondholders charge it. I do not say anything about that; it is simply the fact that I am stating. The present position of the road is this, that under the authority of the court a receiver has been appointed. In order to divide the money which was received, an agreement has been entered into. The old stockholders of the Manitoba and North-west Railway Company and the bondholders found no difficulty; they came to an understanding as to the ratio each was to receive, and I am convinced that, if left to themselves and if this lever is not put into the hands of the stockholders of the said company, they will come to an agreement and the road will be carried, according to its original conception, to Prince Albert as one line. I have no doubt as to the result which will be accomplished provided we do not put into the hands of the parties seeking this legislation, the power to cut off the through traffic from the 180 miles and leave it a local road. That is the great danger that I see in it. We ought to consider that here it is our bounden duty to protect the credit and character of the country with reference to those of our fellow citizens in the old country who are willing to furnish funds for the building of railways or any other great enterprise in our land. It is of the highest importance that in a case of this kind the authority of parliament should be exercised for the protection of the rights of those who live in England in preference to promoting the interests and prosperity of a few of our people at their expense. These are the reasons why I think we are in duty bound not to adopt legislation of this kind. It is, to my mind, a grave injustice to those people who believe in the integrity of our country, and relying upon parliament to protect their interests, have advanced large sums of money for the road.

Hon. Mr. KAULBACH—Suppose the Allans were not asking for this charter; supposing it was simply a bill to construct and operate the road, and the Allans were not in it, would my hon. friend have any objection to a charter being granted for an independent road?

Hon. Mr. VIDAL—I do not think I should. I would regard it as an enterprise in the interest of the settlers there, but I do not think a company could be got to do it.

The whole gravamen of the charge is that the Allans, or the old company, are doing this. What are they doing it for? Not for the accommodation of the people, but to get a lever to work upon the bondholders.

Hon. Mr. McMILLAN—Would not the bondholders be equally affected if another company built it instead of the Allans?

Hon. Mr. VIDAL—No, I do not see that they would.

Hon. Mr. OGILVIE—I do not like to give a silent vote on this question. I am somewhat astonished at the very great care that my hon. friend from Sarnia and the senior member from Halifax are taking of bondholders in England. They are certainly taking a great deal more care of them than people generally take of themselves. If I understand the matter aright, they have got the security upon which they advanced the money; they are using that security now, and neither the country nor anybody else will be doing wrong if we pass this bill and grant the charter. It would not affect in any way the security they hold for their bonds. I understand from the best authority that if any outsiders instead of the old company had applied for this road, as it is being applied for, it would have been given to them, and if any outsider could get it, I cannot see why there should be any fault found with giving it to these people. I know they have invested a very large amount of money in that country, and their road is of great value to that section. I am not speaking from hearsay, I speak of what I know. The Manitoba and North-west Railway was a very useful road for a long time, and is to-day. My hon. friend from Sarnia speaks about the difference in the receipts since the receiver took charge. Anyone who knows anything about railroading knows perfectly well that a few thousand dollars difference in the receipts does not amount to anything. They should examine and see whether the rolling stock is being kept in as good order now as it was before it passed into the receiver's hands. Of course the receiver is trying to collect all the money he can out of it, because the bondholders are not going to hold it for a long time, I hope, and they want to make just as good a showing as they can, but everyone knows that if you cut off all expenditure in the way of keeping your road and rolling stock in good order, you can soon save a lot of money. There is no trouble in doing that. We also know that a little better crop in one year than another will make a vast difference. I was over the road several times, and I think it was managed carefully. Certainly the company who were running it had no other object than to run it well, for they were paying out of their own pockets the interest on those bonds. They went on paying until they found they could pay no longer, and they are seeking this charter to make the line profitable. We have heard remarks here to-day which were not very complimentary to those who passed the bill in the other House or to the majority who voted for it in the committee here. It is said that this charter would have been given to other people, but I think those whose money is invested there have the best right to it. If the road is going to benefit them—and I hope it will—it will also do the country good. It is to be built where there are no roads for a considerable distance at present, and through a fairly well settled country. The bondholders having properly treated, and having got their rights and all that bond covered, if sympathy should go with anyone it should go with the private individuals who have spent such a large amount of money and have done so much good in that country. It will not interfere with the bondholders to give the Allans those rights, and I hope the bill will pass in the Senate, as it has passed in the committee and in the other House, with a large majority.

Hon. Mr. SCOTT—I do not propose to make any observations on the third reading of the bill, considering that it was pretty well threshed out in committee, but I cannot give a silent vote after the implication made by one or two gentlemen, principally the hon. member from Sarnia, to the effect that parliament was not justified in interfering with vested rights. I deny that we are taking from them any rights that were given either in an Act of Parliament or in the order of the court. When this road unfortunately got into default, these 180 miles and also the extension of 42 miles, we had the uncontradicted information of the Allans that for a considerable time they continued to pay the interest to the bondholders of the

180 miles; they had paid a very large sum of money until they felt it was hopeless to go on paying under these conditions and left the bondholders to their choice. They had the option either to take proceedings against the Manitoba and North-west Railway as a corporation and obtain a judgment against the whole line, including the 42 miles, or they could go to the courts and take the 180 miles which was the portion of the road granted to them as security. And here I desire to direct attention to another observation of the hon. member from Sarnia: he intimated to the House that the bondholders were being deprived of certain lands and certain privileges conceded to the company under former charters. That is absolutely impossible. This road was given a land grant of so much per mile. You could not take from them any of the lands given in aid of a road which had not been built; they got what they were entitled to and they choose to take 180 miles. Here is an extract from a letter from one of the bondholders written in July, 1892, in which he says:—

> We shall gain possession of the 180 miles and having done so we shall have it for what it is worth either for working, mortgaging or selling, or otherwise negotiating.

Now they took that 180 miles.

Hon. Mr. POWER—They have not got it yet.

Hon. Mr. SCOTT—The court will give it to them. There is no question about that; it is a question of time. Assuming they take that, if we do not grant this bill what other rights have they? Is the 42 miles of no use to them? It was stated, and not contradicted, that it was not paying expenses. All the Allans expected to keep up the 42 miles when it was not paying? Could Messrs. Allan go to any money lender and say "will you take a mortgage on that 42 miles? We want to raise money on that section to continue the extension to Prince Albert." The money lender would laugh at them and say "Where is your outlet? You have to go over the 180 miles; you are in the power of the bondholders." It is all very well to say "We will come to parliament and see that right is done." Parliament should see that right is done now; and the reason I voted for this bill was that both parties could be put on the same plane and if the charter is granted they do stand on the same plane. The bondholders of the 42 miles can then get a bill elsewhere if the bondholders of the 180 miles refuse to make terms with them. It is not the interest of the Allans to depreciate the 180 miles. It is their interest to keep it up; but they would be fools to allow the bondholders of the 180 miles to take them by the throat and say: "You go on and build the road to Prince Albert, and we will have the security on all the road." It is preposterous to talk that way. What will be the effect of the legislation? The bondholders will acquire the 180 miles; they will then be on equal terms, and fair running arrangements will be made for the 42 miles and any other extension. But there is not a man in the world who would give one dollar on the security of the 42 miles towards the extension; it could not be built. But they have the right to go, somewhere. Getting to this point where you strike the 180 miles, the traffic is nothing, nor would you get the Allans to keep up the 42 miles. It would simply lie and rust, that would be the effect. It is absurd to say we are breaking faith. I think, on the contrary, we would be doing a very serious injury to the parties who have spent a large amount in that country. I think it is admitted that they have spent $2,000,000. Are our citizens who have spent $2,000,000 in that country not entitled to some consideration? We are not asked to take anything from the holders of the 180 miles. They have chosen to take their part, and they have got it and got the benefit of their extension, but they cannot say: "We will hold our 180 miles and everything beyond it although it is not built."

Hon. Mr. BOULTON—The road for which this bill is intended is in my neighbourhood, and therefore it is incumbent upon me to say a few words, although the matter has been pretty well threshed out. I think those hon. gentlemen who are opposed to this bill are making a mountain out of a mole hill. It is not going to inflict any injustice on the bondholders except in so far as it may affect the litigation between the two companies. It is not for us to favour either, the one company or the other in that litigation. The object of this branch from Langenburg to Fleming, straight south is to put the parties in a position, while the litigation is going on, to proceed with the

construction of the other line to Prince Albert. The first portion of the road that would be constructed is not this branch, but the projection from the termination of the 42 miles to Prince Albert, continuing to use the Manitoba and North-western covered by this mortgage for an outlet. Therefore the bondholders are going to benefit immensely by this bill, which puts the Allans in a position to go and raise the money. When the Allans have finished their line to Prince Albert, if the bondholders are not prepared to make an equitable arrangement for running powers, they may then utilize this line. That is a question, hon. gentlemen, that will not come up at any rate for four or five years. I quite agree with those who emphasize the necessity of preserving our credit in Canada, and especially in the North-west. I may say that it has been greatly abused. In the case of this Manitoba and North-western, they were endowed with a land grant of 6,400 acres from the Dominion Government, a bonus of $3,200 per mile from the Manitoba Government, and in addition a bonus of $300,000 by the municipalities. How did they go to work? They built the road by a construction company, who manipulated the work as they thought best. I do not wish to cast any reflection on the Allans for having pursued that course, but it was the method they adopted, and these people undertook the financing. What is the result? Of the $15,000 per mile bonds, the only amount that went into the construction of the road was $1,800,000. All the rest was absorbed in discounts and what I call waste, and it is in consequence of those heavy discounts and that waste that the discredit has fallen upon the province of Manitoba in regard to the 180 miles that is now under consideration by the House. If we are to succeed as farmers, if we are to be enabled to send out our heavy produce such as cattle, wheat and grain, economy of transportation is absolutely essential to us, and we cannot get economy of transportation if bonds to the amount of $15,000 a mile at 6 per cent are to be issued, and one-half of the capital realized on them is to be spirited away instead of going into the construction of the road. I am quite aware that when you are developing a country like the North-west, capital demands of those who take certain risks a considerable share of the assets to enrich themselves, but it is not in the interests of Canada or of the government, or in the interests of our railway credit that we should proceed on those lines in the development of the North-west Territories, and in the construction of railways there. I wish to impress upon the Minister of Agriculture the fact that it would be a far wiser policy to take back the land grants of 6,400 acres a mile, and the cash grant of $3,400 a mile with which the Allans have been endowed on the 100 miles west of the 42 miles, and guarantee bonds to the extent of $10,000 a mile to enable them to construct the road. Now, what is the effect on the country of these two policies? In the case of guaranteeing the bonds, the government can take back the 6,400 acres a mile, and I have no hesitation in saying that when the population comes in there that land will be worth $5 an acre. The Canadian Pacific Railway Company, and all these companies who are holding land grants have sold at an average of $4.50 or $4.80 an acre. The government holds the school lands of the whole of that North-west country at $5 an acre, and will not sell below that figure. The Hudson Bay Company will not sell any of their land at a lower figure, and, therefore with these facts before us it becomes patent to everybody that the lands now held by the Manitoba and North-western Railway Company will become worth, as a cash asset to the company, $5 an acre. Now is it wise for us to dissipate that public asset? In addition to that, there is $3,200,000 a mile cash and there is also the construction of the railway. From the termination of the 43 miles right through to Prince Albert, that road can be built without any difficulty for $10,090 a mile. If by guaranteeing the bonds 100 cents on the dollar can be realized by the sale of them, and if the interest paid by the government, is only 3 per cent, we then are afforded cheap inland transportation. The contract for the road can be let upon a cash basis, and to the lowest tender, and great benefits will accrue, not only to the credit of the country, but to the settlers who will have to supply the traffic in order to maintain those roads. I could not lose the opportunity of impressing my views in regard to this matter, and I hope the Minister of Agriculture will seriously take into consideration the fact that the system we have been pursuing is ruining the country and our credit. We have an illustration of it here before our eyes at the present moment. We see people who have

issued and sold bonds to the extent of $15,000 a mile, bearing 6 per cent interest, obliged to forfeit their road. What has been the result to Manitoba and the North-west? It is admitted that per cent interest has been earned upon the $1,800,000 which went into the construction of that 180 miles. The earnings of the road this year over and above expenses amount to $52,000 I think, which is about 3 per cent upon $1,800,000, the money that went into actual construction of the road. So you see the government would have ample security that they would not be called on to pay the 3 per cent guaranteed, and they would have at the back of it a line upon the road itself, and they could set aside this $3,200 per mile and 6,400 acres per mile as assets to relieve the treasury from any possible chance of having to bear the burden of carrying any portion of the road.

Hon. Mr. SCOTT—What about the bill?

Hon. Mr. BOULTON—I am coming to it. I was just going to add that so far as the bondholders are concerned, if they were to attempt to find an outlet over the Canadian Pacific Railway by way of Fleming or Langenburg—points that this branch reaches—Langenburg and Fleming being equally distant from Winnipeg, if they attempted to compete with the Manitoba and North western Railway by running over the branch that is now in contemplation, they would have to carry the traffic 60 miles further than by an arrangement with the bondholders. If you realize that fact you will see that the bondholders' interests are not likely to be in the least degree affected by the bill before the House.

Hon. Mr. LOUGHEED—As the member who has charge of the bill, I hope the House will bear with me while I make an observation or two with regard to the merits of the application now before us. I should like to remove any impression which exists in the minds of hon. gentlemen on account of the observations that have fallen from the hon. gentleman from Sarnia. One would fancy, to hear my hon. friend dilate on the iniquity perpetrated on the bondholders and the public generally in reference to this bill, that some dark conspiracy had been hatched at the instance of Messrs. Allan and those responsible for the submission of the bill to parliament. If my hon. friend had such suspicions when the bill came before the Railway Committee in reference to the bondholders not having notice thereof, he might have intimated to the committee that fact. He might have taken the members of the committee into his confidence, and pointed out that the necessary advertisements had not been published, as provided by the rules of the House. I assume that my hon. friend knew very well when he made the statement, that it only appeared in the Canada *Gazette* that the notice of publication respecting this bill duly appeared in the western newspapers, and that no distinction was made between this particular bill and the dozens of other bills which have come before hon. gentlemen of this House. Between this particular bill and the dozens of other bills which have come before the hon. gentlemen as chairman of the committee and before the railway committee itslf, I venture to say that to the very letter the rules and regulations of the House have been complied with in reference to the publication required. My hon. friend pointed out to the House that a piece of deception had been practiced on the bondholders, and that a subterfuge had been adopted by reason of the fact that the application was signed in the name of the solicitors of the company, and not in the name of Messrs. Allan or of the Manitoba and North-west Railway Company. No one knows better than my hon. friend that in reference to all these applications they are made in the name of solicitors on behalf of the company. My hon. friend knows very well, or should know very well, that this application could not very well be made on behalf of a company in liquidation, but was made on behalf of an entirely independent company distinct from the company now in liquidation. I rather enjoyed the solicitude displayed by the hon. gentleman from Halifax and the hon. member from Sarnia, regarding the deep interest which they take in North-west matters. If there are any hon. gentleman in this House that have not been guilty in taking a deep interest in regard to North-west matters, it is those two hon. gentlemen and I further fancy that if those interested in the development of the North-west desired champions of that particular section of the Dominion, the two last hon. gentleman to whom they would apply for

assistance in so important a matter would be the the two very hon. gentlemen who have been so enthusiasic in endeavouring to defeat the third reading of this bill. The hon. member from Sarnia expressed the very greatest consideration and esteem for Messrs. Allan and in the next breath he told us that he could not find language strong enough to denounce the swindle and fraud perpetrated on the bondholders by those gentlemen for whom he had expressed so sincere a regard. He has also given us a sermon on lofty principle and the necessity of adopting a high tone of morals in regard to our legislation. When I hear observations of that kind from hon. gentlemen I usually conclude that they are more fortunate than their fellowmen in having a monopoly of those virtues which apparently in reference to this matter have been so very scarce in this honourable House. I regret very much that expressions of this character have been made upon gentlemen so deeply interested in the commercial development of this country as the Messrs. Allan. I, as one from the North-west, knowing that those gentlemen have probably done more than any individual family in the Dominion of Canada in the way of furnishing transportation facilities to the people and particularly of that section through which this road runs —I feel bound to express my deep disapproval of the aspersions made on them in regard to the dishonesty of purpose of which they have been accused in regard to this bill. The high reputation of these men in the country should be the very best refutation of the statements which have been made against them. As to the merits of the bill itself, I may say there are two phases of this bill, first of all, the road itself for which application has been made entirely irrespective of the surrounding circumstances. A road is applied for running at right angles to the Manitoba and North-western Railway. It does not parallel that road, it does not interfere with an existing railway—it proposes to open up a section of country which is entirely undeveloped by transportation facilities, which is one of the very best sections of Manitoba and the North-west, and, forsooth, because these gentlemen, representing the best capitalists of the Dominion of Canada, choose to make application for the opening up of that section of the country, and for the building of a railway, we find hon. gentlemen in this House endeavouring to defeat this enterprise, and taking a very much deeper solicitude in regard to the English bondholders than those bondholders themselves apparently have taken. The honourable gentleman from Sarnia appears to have been in communication with one of these bondholders. I fancy that if those gentlemen in England who advanced their money upon this enterprise were as deeply interested as one is disposed to think they would be, judging from the opposition to this bill manifested by some members of this House, they would have appeared in due time, and expressed their disapproval to the government in reference to the passage of the bill in the House of Commons, but we find the bill coming down from that House duly passed, with the approval, I assume, of the government of the day, because we cannot very well otherwise assume that when a bill passes the House of Commons, but it comes here with the approval of the department of the government which has charge of such legislation. Why were not those bondholders more exercised than they appear to be, and why are hon. gentlemen in this House more exercised than the bondholders themselves? I fail to understand it, except purely for a factious opposition which is unwarranted and which has been shown by reason of its being urged more strongly then many bills have been. I will hazard the observation that the legal firm having the responsibility of opposing this legislation the name of whom we find attached to the circulars on our desks, were perfectly familiar with the fact that application was made to parliament for this legislation. The very best evidence we have that the bondholders were aware of the fact that application was made for legislation is the circular before us, signed by a firm of solicitors occupying the very highest position of legal reputation in the city of Winnipeg and who appear to have been acting most energetically on behalf of the bondholders. Therefore finding these gentlemen here opposing the passage of the bill we have evidence that full notice was given to the bondholders in England.

Hon. Mr. POWER—They had not time to appear before the committee of the House of Commons.

Hon. Mr. LOUGHEED—Then it must have been due to the indifference of these

gentlemen. If the rules and regulations of the House had been duly complied with it does not lie in the mouth of hon. gentlemen here to say that any over-indulgence should be extended to parties who had the same notice as others that legislation was being sought. It is a regrettable fact that the same facilities do not prevail here for duly explaining this matter as we have in committee. There full explanation was made in regard to the object sought for and I hope hon. gentlemen will bear with me for a few moments while I make this statement in further explanation of what the applicants desire. The Manitoba and North-western Railway as hon. gentlemen know, is a railway extending probably about 220 or 230 miles of which 180 miles viz., the eastern section, is controlled by these English bondholders. The Messrs. Allan have put into that railway quite as much capital as the English bondholders and absolutely control the 60 miles other than the 180 miles. The English bondholders who control the 180 miles say, "We are not going to allow you to operate the 60 miles which you hold west of the point covered by our mortgage except you submit to the terms which we choose to impose." This is to be observed from this circular which has been distributed on our desks that those English bondholders are playing dog in the manger and would impose such conditions as to render it impossible for the Manitoba and North-western Railway Company to agree to the terms which they demand. I ask hon. gentlemen what are you going to do in regard to a situation of that character? Are you going to say to the Messrs. Allan who own 60 miles of the railway there, "We absolutely refuse to give you the bill which you seek and we are thus going to compel you to allow that 60 miles of railway to lie idle to decay and to be of no use whatever to the public and particularly to the people of that section of the country or accept the alternative of compelling you to submit to the imposition of terms made by those English bondholders in regard to the running powers over 180 miles which in a commercial sense we know is impossible for you, the Manitoba and North-western Railway Company to accept." Now it is simply a common business proposition. If these men are absolutely paralyzed in regard to the operation of the sixty miles of road, then the company labours under a deprivation which is of the most serious character, and which is bound to paralyze to a most injurious extent the development of that section of the country, as well as to absolutely ruin the financial interests which the Messrs. Allan have in that sixty miles. That is one consequence. View some of the other consequences which must necessarily ensue from that. The extension of the Manitoba and North-western Railway to Prince Albert has been long looked for by the people of that section of the country, and I venture the statement that there is no work of such vast importance to that section of the country as the opening up of that immense and fertile tract of country west of the present terminus of that railroad. What do these bondholders say? They say, "Messrs. Allan, we will not participate with you in any way in the extension of this line to Prince Albert. If you want to extend the line to Prince Albert, do so; we are satisfied with our 180 miles of line. We will not, however, give you running powers over that section, furthermore we will not accede to the reorganization of the company so you can build to Prince Albert. We will simply tie up this whole enterprise which has cost this country a very large amount of money in land grants and subsidies—given by the Dominion government and the municipalities." Are you going to assist the bondholders to treat the enterprise in the way which is cooly intimated in this circular which has been left on our desks? I have no hesitation in concluding that the wisdom of this House will assert itself otherwise and will grant the promoters of this bill the franchise which they ask—a franchise which entirely apart from the circumstances of the case as a public work will be of gigantic benefit to that section of the country. I ask hon. gentlemen, is this House hereafter going to adjust the differences which may arise between bondholders and the shareholders of the company? Are we going to engage in this internecine strife which we find being waged between the bondholders and shareholders of the company? If we assume a responsibility of this kind, it then would be useless for these institutions to seek relief or redress in the courts of justice. They will realize that it is only necessary to come before this hon. body and submit the serious difficulties which may arise from time to time to this House in the hope of having them satis-

factorily adjusted in lieu of a competent court of justice. The position which I wish to submit to this hon. House is this—that it should not be the prerogative of this House to make inquiry as to the difficulties which may prevail amongst bond-holders and shareholders of a company or among those who constitute a company, but that when legislation is applied for that legislation should be considered entirely upon its merits, entirely apart from the spirit which has animated it and it should be regarded merely in the abstract light of the good of the community and the general advantage of Canada. Apart from that, if we take other matters into consideration we will step outside of that domain which properly belongs to this legislative body and entail upon ourselves a responsibility which would only lead to the greatest complication. I hope hon. gentlemen will regard this matter as one in which the people of the North-west Territories are very deeply interested and will permit the third reading of the bill.

Hon. Mr. MACDONALD (B.C.)—The bondholders in this case are asking for a very small thing—merely a delay to arrange the difficulties that exist between them and the Messrs. Allan. They do not ask the Senate to adjust their quarrels. The hon. gentleman from Calgary has not put it fairly when he says that they want this House to act as arbitrators. I see a great injustice is being done to the bondholders, and I wish to give them time to adjust their difficulties with the Messrs. Allan. The honourable gentleman let the cat out of the bag in another matter; he has shown that it is not the public interest at all that has led to the idea of building this road. The public interest has nothing to do with it. What they want is a power to hold over the bondholders in England to compel them to do certain things for the Messrs. Allan. It is nothing more or less than that. The hon. gentleman from Monck knows perfectly well that the public interest never came into the matter at all.

Hon. Mr. McCALLUM—What I said was that the public were largely interested in it—that the settlers living on that line have more interest in it than the bondholders or the stockholders. They are striving to get an outlet and we should give them every facility to do so.

Hon. Mr. MACDONALD (B. C.)—The gentleman who represented the company stated the object. It was to place them in a position to tell this company that they must take a certain position. The hon. gentleman from Alma asks what would be the difference if this road were built by Messrs. Allan or by any new company. There is all the difference in the world—all the commercial honesty in the world. The Allans have the money of the mortgagees in England. They used it—perhaps wisely, perhaps not—at all events they have failed in paying back the money or interest upon it, and is it fair to permit them to come forward and destroy the security of those bondholders? I will not call it a swindle, but I say it is not fair or just to prevent those people getting back their own money. For these reasons I think the delay should be granted, and those companies should be given time to come together and adjust their affairs. The hon. gentleman from Kennebec division says we have only to look at the public side of this question. We have to look at the private interests involved and at the morals as well. Those bondholders are not here to look after their own interests; they cannot go round this House lobbying—as lobbying has been done to a very large extent—and are we to place them at a disadvantage? The chief reason given for that lobbying—at least in my own case—was this: They had come to a certain basis of arrangement with the bondholders, and it was broken off, and without this power no agreement could be arrived at. I hope the House will not sanction an act of injustice to the people who loaned their money in good faith to the undertaking.

Hon. Mr. McCLELAN—Being a member of the committee, and voting with the minority there, I have a word to say on the subject. This is not an application for a charter to build a railway: it is an application to give the old company better facilities for conducting the litigation that is now pending between the company and the bondholders. That is practically and honestly what it means. How are those bondholders interested in this legislation? They are interested in this railway as they are interested in scores of railways throughout this country. Canada is under a debt of gratitude to English lenders for the immense amount of money borrowed in

the English market. It is doubtful if even this road would have been constructed without their aid, although this company happens to be very wealthy. It is a company which no gentleman—not even the hon. member from Sarnia to whom I have listened with pleasure—has denounced. He had not a word to say against the Allans, or against those gentlemen who are the principal stockholders in this company, neither have I heard a word said in all this discussion against their character and position and standing. How are the stockholders interested, we are asked? They are interested in this road as they have been interested in the Caraquet Railway and in Albert Railway. It had been represented to them that there was a railway in the North-west where there were to be five million of people long before this, and that an investment in that road must certainly pay. How often have such investments turned out to be very poor ones! How often have their bonds become entirely worthless! The London sharpers, the London money-brokers present the case so strongly that they were enabled to procure this money, not from capitalists merely, but from men who, perhaps, have invested their all in these bonds, who have very little to spare and who have been deluded by the representations made, not by the Messrs. Allan but by the money-brokers in London, who made a certain offer upon the bonds perhaps, and have undertaken, possibly to share any surplus they might derive. Their prospectuses are extremely alluring; I have seen them in the London papers, and they are comical reading. I have seen them because I have been interested in them. They have come under my notice, because there have been railways in my province which have been bonded in this way and the bondholders lost their money. They also became interested in this particular line of railway, and why? Not alone on account of the great North-west, represented to be so flourishing, and which I hope finally will meet the expectations of everybody; but they were interested in this particular line on account of the high character and standing of those gentlemen who principally form the stock list of this company. They had three or four different things in connection with this particular road which were calculated to give the agents in London great facilities in plying their business to induce investors to give their money. The men who bought these bonds are not dogs in the manger; they paid somewhere between eighty cents on the dollar and par as was represented in the committee. These bonds are now in a state of depreciation, and the company, consisting of the very individuals who profited by this loan of $2,600,000 drawn from these people is seeking for legislation which will still further impair their value. Allowing for all discount, the company borrowed over $2,000,000, amply sufficient, according to the statement of my hon. friend from Marquette, to build the whole road, 180 miles, and yet they had a mortgaging power of $15,000 or $20,000 a mile. That I think was a mistake made by the legislature at the very beginning: it is another inducement and another lever by which these bonds are made to sell in England. Then the bonds depreciated: the country did not fill up with population as we all hoped it would. The road did not cost forty or fifty or sixty thousand dollars a mile, as such roads do cost in England, where they are substantially built, and where immense land damages have to be paid in addition to the large cost of legislation. It is a road that should have been built for ten or fifteen thousand dollars a mile at the outside. These bonds became depreciated. They are not worth what they paid for them. And the bondholders are looking now to get as much out of them as they can, and yet we are asked to-day to grant a charter which will decrease the value of the bonds. My hon. friend from Calgary, says it is for a road to run at right angles instead of a parallel road. Well, it is not a parallel road or a road at right angles. It is not a road at all, and it is not intended to be a road. The passage of this Bill is intended by them to be used as a lever by which the bonds will be further depreciated in the market, so that the old company, if they choose, can purchase them at a still lower rate. Yet those men, from whom we have drawn money, are called dogs in the manger because they object to this legislation. I think it would be injurious to the credit of the country and I hope the bill will not pass until present disputes are adjusted.

Hon. Mr. ALLAN—I should not think of saying one word at this hour, were it not for the observations of some hon. gentlemen,

more particularly the hon. member from Sarnia, because I would be very sorry indeed that it should be thought for a moment that I am in any way indifferent to the honour of my own country, or the reputation for justice and honour of this Senate. We may just as well look this thing squarely in the face. It has been asserted that the only way we should look at the bill before us is simply to consider whether the road, for which the charter is sought, is a road for the benefit of the country and for the benefit of the settlers in that section of Canada. This is, perhaps, one way to look at it, but I have read two statements which have been laid on the Table of the House, one in the interests of these bondholders, and the other, the answer to that statement which was laid upon our Table to-day, made on behalf of Messrs. Allan. I am free to confess that I was very much puzzled at first when the matter was before the committee to decide what was the proper course to take, and when I read that statement on Friday, made on behalf of the bondholders, I was still more perplexed, but upon reflection since, and upon reading this answer which hon. gentlemen have before them to-day, I feel satisfied now for the reasons which I shall give, to record my vote in favour of the bill. As the matter comes before us now, we cannot shut our eyes to the fact that, to a certain extent, we are called upon to decide as to what is fair and just, and (to use an expression which we have heard two or three times to-day) moral in this House to do, as between the parties applying for the charter and those opposing it. Now, the circumstances of the case, as we have had them stated over and over again, seem to be simply these : here are these English bondholders who have their security on the 180 miles of road upon which they have advanced a very large sum of money, and they look to this 180 miles as their security for that advance. On the other hand, we have the Manitoba and North-western or the Messrs. Allan, whichever you choose to call them, who have spent a large sum of money in pushing forward this enterprise, both for their own interests and also undoubtedly to open a most important section of the country, and ultimately, as we have been told several times, and as the answer states to carry forward, the road to Prince Albert. I think those gentlemen are deserving of both our sympathy and our assistance in the undertaking which they have endeavored to carry through, and in which they have sunk large sums of money, and what they ask us to do simply amounts to this; the English bondholders have refused to assist in the extension of the road to Prince Albert, and the refusal of the charter now asked would prevent the completion of the road to that point. The English bondholders say they will hang on to their security, the 180 miles, but will do nothing more Is it not fair and just, looking at the amount of money those gentlemen have sunk in the undertaking already, to grant them some measure of relief, and place them in such a position that they may go on with the extension of the road from the termination of the 180 miles to the original objective point, Prince Albert, and so give them some possible chance of recouping themselves ultimately for their large expenditure and also for doing that which I think no hon. gentleman can doubt is in the interests of the country, namely the extension of the road to Prince Albert? It is for these reasons that I have made up my own mind, under the circumstances of the case. to vote for the bill before us.

The House divided on the motion which was agreed to on the following division :—

CONTENTS :

The Hon. Messieurs

| | |
|---|---|
| Allan, | McKindsey, |
| Almon, | McMillan, |
| Angers, | Macfarlane, |
| Arsenault, | MacInnes (Burlington), |
| Bolduc, | Masson, |
| Boucherville, de | Merner, |
| Boulton, | Miller, |
| Bowell (Sir Mackenzie), | Montplaisir, |
| Casgrain, | Ogilvie, |
| Clemow, | Pelletier, |
| Cochrane, | Poirier, |
| Desjardins, | Primrose, |
| Dickey, | Prowse, |
| Dobson, | Reesor, |
| Drummond, | Reid (Cariboo), |
| Guévremont, | Robitaille, |
| Kaulbach, | Scott, |
| Landry, | Smith (Sir Frank), |
| Lougheed, | Sullivan, |
| McCallum, | Sutherland.—41. |
| McKay, | |

NON-CONTENTS :

The Hon. Messieurs

| | |
|---|---|
| Armand, | McDonald (C.B.), |
| Bellerose, | Macdonald (B.C.), |
| Bernier, | Power, |
| Dever, | Read (Quinté), |
| McClelan, | Vidal.—10. |

## THE DIVORCE COMMITTEE.

CONSIDERATION OF COMMUNICATION POSTPONED.

The Order of the day having been called "consideration of the communication from certain members of the Standing Committee on Divorce."

Hon. Mr. PRIMROSE said: In the absence of the chairman of the Committee I move that this item be deferred until Thursday next.

Hon. Mr. KAULBACH—Why till Thursday?

Hon. Mr. PRIMROSE—The chairman is not here, and we do not know when he will be here.

Hon. Mr. MILLER—Were it not for the last statement made by the hon. member I would not have any objection to the postponement, but he states that he does not know when the chairman will be here. The paper on the table casts serious aspersions on members of this body, and these aspersions have been spread on the minutes of the House and upon the Debates and have gone broadcast over the country.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—It is only right and just to the gentlemen so aspersed that the earliest opportunity should be given for reply. I believe when this matter is before the House I shall be in a position to show that the document on our table is a tissue of inaccuracies—I might use a stronger word—from beginning to end.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—I say it is unfair that it should be delayed a day longer than necessary for its consideration. If my hon. friend was in a position to say that the chairman of the committee will be here on Thursday, I would not object to its postponement until then, but he has told us that he does not know when he will be here. If it is to be postponed again from Thursday, I say it will be most unjust to the members who have been misrepresented by that document which has been scattered broadcast over the country to be compelled to lie under these aspersions for an indefinite period of time. I, for one, am not willing to consent to anything of the kind. I shall, however, consent that the consideration of that extraordinary document shall be taken up by the House on Thursday with the understanding that it shall not be postponed past that day.

Hon. Mr. SCOTT—The first order on Thursday.

Hon. Mr. PRIMROSE—The reason Thursday was specified was simply this: I made a mistake in saying that I did not know whether the chairman would be here on Thursday. It is generally understood that he will be here on Thursday, and therefore, I made the motion that the order be postponed until that day.

The motion was agreed to.

## SEDITIOUS AND UNLAWFUL ASSOCIATIONS AND OATHS BILL.

SECOND READING.

The order of the day being read:—Second Reading (Bill 7) An Act further to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting Seditious and Unlawful Associations and Oaths. —(Honourable Mr. Power.)

Hon. Mr. POWER said: I am not in charge of this bill; I had it put down for the second reading to-day, simply because no hon. gentleman happened to be present at the time who was interested in it. As I understand this bill it is with respect to the Masonic order. The Revised Statutes now exempt the Grand Lodge of Canada from the operation of the law forbidding secret associations, and since that Act was passed there has been a new Grand Lodge established, the Grand Lodge of Quebec. The object of this bill is to extend the protection of the previous act to the Grand Lodge of Quebec.

Hon. Mr. MACINNES (Burlington)—I believe this bill was placed in my hands, and I have overlooked the fact, but the senior member for Halifax has stated the object, which is to make the legislation of Quebec and Ontario uniform. There is no innovation or new power asked. I therefore move the second reading.

Hon. Mr. DEBOUCHERVILLE—It seems to me that this bill is important enough for us to have explanations, which I do not think we have had.

Hon. Mr. MACINNES (Burlington)—All it asks for is the substitution of the word "in" for "of."

The motion was agreed to.

## SHORT LINE RAILWAY CO. BILL.

THIRD READING.

Hon. Mr. McCLELAN moved concurrence in the amendment made by the standing Committee on Railways, Telegraphs and Harbours to Bill (H) "An Act respecting the Short Line Railway Company."

The motion was agreed to, and the bill was then read the third time and passed.

## SECOND READING.

Bill (79) "An Act to incorporate Gilmour and Hughson Company, Limited." (Hon. Mr. Clemow.)

## FEMALE OFFENDERS BILL.

REPORTED FROM COMMITTEE.

The House reserved itself into a committee of the whole on Bill (J) "An Act to amend the Act respecting certain Female Offenders in the Province of Nova Scotia."

Hon. Mr. VIDAL, from the committee, reported the bill with amendments, which were concurred in.

## BILL INTRODUCED.

Bill (67) "An Act further to amend the Fisheries Act." (Hon. Mr. Angers.)

The Senate then adjonrned.

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## THE SENATE.

*Ottawa, Tuesday, 18th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## NOVA SCOTIA STEEL COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (56) "An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited," with amendments. He said: As the bill was introduced, the first clause read to the effect that the sale set out in an indenture between the Nova Scotia Steel and Forge Company, Limited, and the Nova Scotia Steel Company, Limited, and "registered in the office of the Secretary of State in Canada, etc." The committee thought it was desirable instead of the indenture there referred to being registered in the Secretary of State's office, that it should, for the information of all parties concerned, be attached in the shape of a schedule to the bill itself, so that the only amendment to the bill is that made in the first clause by striking out the words "and registered in the office of the Secretary of State in Canada" and inserting "which indenture is set out in the schedule to this Act." It is duly set out in the shape of a schedule. That is the only amendment.

Hon. Mr. POWER moved that the amendment be concurred in.

The motion was agreed to.

## REPRESENTATION OF BRITISH COLUMBIA IN THE CABINET.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to

Call the attention of the Senate to the commercial and financial position of the province of British Columbia, and to other matters; and to ask the Government, if it considers that province entitled to as full a proportionate representation, and to all the other rights and privileges now enjoyed by every other province in the Dominion?

He said:—It is not my intention to make a long address or to place a large array of figures before the House. I prefer to be in harmony with the feeling of the House, knowing they like short speeches. The House will absolve me from the thought of bringing this forward from any personal motive or to gratify any personal ambition. There are many gentlemen in this House who know my feelings and sentiments on the subject to which my inquiry refers, and who are aware that I am not after the flesh pots. I bring this forward on general public grounds. I feel it my duty, at this stage of the history of British Columbia, to lay before parliament a statement showing the unrivalled commercial and financial position of that prov-

ince. I do this also to show the people of our province that their interests, and their laudable expectations have not been neglected, but have been brought to the attention of parliament and of the government, with a view to an early consummation of such expectations. It is only by comparison that we can arrive at an accurate knowledge of our position; therefore I propose to submit a comparative statement of the commercial and financial transactions of the different provinces of the Dominion—excepting Manitoba which, from its geographical position, cannot form a proper comparison—which will show what we have done during a season of great depression and the possibility of greater things in better times. I take this course also to inform the Government, and to strengthen its hands, in dealing with British Columbia, in removing every disability under which it rests, and in giving that province its full proportionate share and voice in the public administration of the country. On this subject there is a very strong and growing sentiment among the electors of that province. The question is asked, and naturally so—why should the province most loyal to conservative principles, and the largest proportionate contributor to the treasury, be treated unequally and unfairly? It is not my intention to find fault with, or to arraign the government for what has not been done, but rather to give my own opinion and that of the electors of my province as to what should be done, and to express the hope that every shred of dissatisfaction may be removed. I know the Prime Minister likes plain talk, because he likes to talk back plainly, therefore I have less hesitation in stating these matters. I may be told that it is not advisable to recognize provincial divisions in forming an administration, that the best men should be taken regardless of locality. It is too late to say that now, when we find locality—special localities—has so much do with it. Even in England the three great divisions of the Empire are taken into account in forming a government. Hon. gentlemen will at once see how important it is for a province like ours, of great commercial possibilities to have a voice in the forming of the commercial and fiscal system under which we are governed so far as we are concerned, a cast-iron policy is put in operation in which we have no voice, part or lot, but to hand over our sheckles. Is this proper, fair or just? I fully recognize—even if we had a voice—that we must yield cheerfully to the opinion of the majority, yet we would have the satisfaction of having the voice, the power to suggest, and the position in which we could approve, or try to amend a policy. Although the representation of British Columbia in parliament is numerically weak, and not strong enough to enforce its claims as other provinces have enforced and demanded their claims, and perhaps little more than they were entitled to, that is no reason for withholding its just rights, but the reverse. Nothing should be done, or left undone, in the weaker provinces, which could not be done, or left undone in the large provinces. We know that political favourites or political parasites have from time to time been palmed off on British Columbia as if its own people were incapable: that could not be done in the older provinces. The loyalty of British Columbia to the Conservative administration, and its policy has no parallel in provincial history. Not only the electorate, but the provincial governments of the province have been in harmony with the administration for the last sixteen years, whereas in other provinces it has been the other way. I desire to draw particular attention to this loyalty, and disinterestedness for the general good. No province in the Dominion benefits so little by the present trade policy, and feels the taxation so much as British Columbia, because we manufacture little, and import nearly every article we consume. But we have cheerfully given our support to what has been and is for the general good, and to a policy which keeps wealth and labour in the country which would, under a different policy, flow out of it. The Prime Minister knows this as well as I do, and I hope he will bear in mind such disinterested loyalty when giving consideration to railway subsidies and other matters to which British Columbia is entitled. Although our province is rich in natural resources, yet the out-go or drain for imposts and revenue is so great as to make it impossible for our people to find the capital necessary to open up avenues of communication for the successful development of these resources and their transportation to the markets of the world, and for the occupation and colonization of our public lands. For these reasons we ask and should receive subsidies—a generous return of a portion of our own money. The stimulus thus given to trade would well re-

pay the government for any outlay made in the way I have described. The richest mining district perhaps in the world is calling loudly for railway facilities for the removal of ores and supplies, and any aid given private enterprise to assist in the development of the Kootenay mining region will be well laid out. The Provincial Secretary of British Columbia has recently visited this district of Kootenay and if the House will permit I will read a few extracts from a letter of his which appears in a Victoria newspaper. They are as follows :—

American capital is now being directed to this portion of the Kootenay district as well as to the south-west portion, and we may soon look to equally important results. The large bodies of argentiferous galena on the Mowyea Lake have been purchased and are about to be developed. Rich gold quartz leads are reported from near Weaver Creek and up Wild Horse Creek. The mines known as the "Dibble Group," near Fort Steele and Cranbrook, have been purchased, and show bodies of peacock copper and grey copper, assaying very high in silver. Numbers of prospectors are coming in from the American side, and the prospect of the building of the British Columbia Southern Railway in the near future, and the introduction of food and cheap fuel has given a great impetus to the mining industry in both East and South-west Kootenay.

* * *

The scene at Pilot Bay is one that should warm the patriotism of any true British Columbian. The extensive smelting and concentrating works are in full blast, working day and night. The bullion from the smelting furnace is literally pouring out during the twenty-four hours, and under the able management of Mr. Gordon, all the machinery and adaptations work without a hitch.

I returned to Pilot Bay that evening by the steamer "Alberta," spent part of the night in watching the smelting operations, and the next morning Messrs. Herrick & Gordon kindly placed their steamer at my disposal and accompanied me to the Blue Bell mine. This is the principal source of supply of ore to the smelter, and is owned principally by Mr. Hendryx. It is, probably, one of the largest bodies of ore in the world. It is composed of carbonate of lead, galena and copper, the total width of the vein being 193 feet—namely, carbonate, 100 feet ; galena, 87 feet, and copper, 6 feet, the copper being between the carbonate and galena. Five thousand tons of ore were taken out in one month by forty men, and the average daily output is now 180 tons, with thirty-eight men, all told. The outcrop of the season can be traced for a distance of a mile and a half, and it shows nearly the same body of ore. The mine has not been proved much more than 100 feet below the surface, and although it is of low grade, averaging only about ten ounces of silver to the ton, it is impossible to say what discoveries may be made with greater depth. A diamond drill is about to be put in operation, in order to lay out the mine in depth and width.

* * * * *

The Silver King is probably destined to be one of the great wealth producers of British Columbia. It may be described as a great dyke of dioryte protruding through shale which contains within its matrix chimneys of copper and silver ores, with iron pyrites. The copper is found as pyrites or cooleopyrites, and also as peacock copper, the latter being richest in silver. There is also grey copper in places and silver glance, which gives great richness to certain bodies of the ore. From 10 to 15 per cent of the general body of the ore averages when picked 100 ounces of silver and 15 per cent of copper to the ton. There are about 100,000 tons of ore in sight, which, taking it as a whole, would average 55 ounces of silver and 10 per cent of copper to the ton. Some 3,420 feet of tunnels and drifts have been made. One tunnel has been driven straight for 918 feet; it struck the body of ore about 400 feet and has been running in ore ever since. Four winzes have been sunk, respectively 90, 70, 70 and 125 feet, exposing the ore. Borings are now being made with an inch diamond drill, so as to feel the way ahead and below and thus lay out the direction and volume of the ore. The width of the dioryte varies from 70 to 10 feet, and in 70 feet width 40 feet contains ore.

Our wealth of fish, timber and coal is too well known for me to direct attention to it now. Our exports show what they are. I fully understand, and am fully aware of the fact, that the younger and smaller provinces coming into the federation without the safeguard of written stipulations of their rights, are placed at a disadvantage compared with the older and more populous provinces. I am also fully conscious of the tendency to keep the smaller provinces in leading strings "as hewers of wood, and drawers of water" not from any designing intent on the part of the government of the day, but more from indifference mixed with some selfishness. I think I shall be able to show the government and this House that the time has come when British Columbia should no longer be kept in leading strings, but should be given its legitimate place in the government of the country. The Premier in stating his reasons for giving Prince Eward Island representation in his Cabinet, said it was on account of distance. If that holds good in the case of that province, how much more should it do so in the case of British Columbia, which is 1,800 miles more distant from the capital? I will now endeavour to show what the provinces have done in the way of trade and revenue for the fiscal year ending June, 1894, and in doing so, hon. gentlemen will understand that comparisons must be made, but I can assure the House I have no intention to hurt any ones feelings, or intentionally make any invidious comparison. I consider the pro-

vinces which are self-sustaining, with an abundance of the necessaries of life, and pay the smallest contribution to the revenue, are in a better position in some ways than those otherwise situated. I will deal first with the province of Ontario:

| | |
|---|---|
| Population at the last census | 2,114,321 |
| Imports | $42,025,638 |
| Exports | $32,726,074 |

*Revenue.*

| | | |
|---|---|---|
| Customs | $7,510,487 | |
| Excise, spirits | 2,023,923 | |
| " malt | 3,431 | |
| " tobacco | 746,148 | |
| Inspection and licenses | 169,146 | |
| Post Office | 1,893,331 | |
| Commission P. O. orders | 52,673 | |
| Public works | 77,057 | |
| Fisheries | 30,623 | |
| Marine | 70,800 | |
| | | $12,577,619 |
| Imports per capita | | 19·88 |
| Exports " " | | 15·48 |
| Revenue " " | | 6·00 |

I now take Quebec:

| | |
|---|---|
| Population | 1,488,505 |
| Shipping tonnage | 2,425,993 |
| Imports | $ 58,731,069 |
| Exports | 56,151,102 |

*Revenue.*

| | | |
|---|---|---|
| Customs | $7,790,977 | |
| Excises spirits | 1,542,489 | |
| do malt | 725 | |
| do tobacco | 760,399 | |
| Inspection and licenses | 119,082 | |
| Post Office | 771,571 | |
| Commission on P.O. orders | 14,377 | |
| Public works | 32,579 | |
| Fisheries | 7,471 | |
| Marine | 51,700 | |
| | | $11,091,370 |
| Tonnage per capita | | 1⅞ tons |
| Imports " " | | 39·46 |
| Exports " " | | 37·73 |
| Revenue " " | | 7·45¼ |

New Brunswick comes next:—

| | |
|---|---|
| Population | 321,263 |
| Tonnage shipping | 1,243,859 |
| Imports | $ 5,086,360 |
| Exports | $ 6,635,487 |

*Revenue.*

| | | |
|---|---|---|
| Customs | $1,027,299 | |
| Excise, spirits | 126,203 | |
| do malt | '100 | |
| do tobacco | 131,152 | |
| Inspection and licenses | 25,701 | |
| Post Office | 185,618 | |
| Commission, P. O. orders | 7,074 | |
| Public works | 1,000 | |
| Fisheries | 7,831 | |
| Marine | 12,500 | |
| | | 1,524·474 |
| Tonnage per capita | | 3⅞ tons |
| Imports do | | 15·84 |
| Exports do | | 20·66 |
| Revenue | | 4·74½ |

I now take Nova Scotia:—

| | |
|---|---|
| Population | 450,396 |
| Tonnage shipping | 2,442,538 |
| Imports | $ 9,355,555 |
| Exports | $ 10,713,440 |

*Revenue.*

| | | |
|---|---|---|
| Customs | $ 1,231,869 | |
| Excise, spirits | 95,436 | |
| do malt | 250 | |
| do tobacco | 179,239 | |
| Inspection and licenses | 36,032 | |
| Post Office | 274,474 | |
| Commission, P.O. orders | 12,426 | |
| Public works | 1,000 | |
| Fisheries | 6,782 | |
| Marine | 16,000 | |
| | | $1,853,508 |
| Tonnage per capita | | 5⅜ tons |
| Imports | | 20.78 |
| Exports | | 23.79 |
| Revenue | | 4.11½ |

Prince Edward Island comes next:

| | |
|---|---|
| Population | 109,078 |
| Tonnage shipping | 110,522 |
| Imports | $ 550,992 |
| Exports | 1,211,824 |

*Revenue.*

| | | |
|---|---|---|
| Customs | $ 160,257 | |
| Excise spirits | 5,772 | |
| " malt | 50 | |
| " tobacco | 28,239 | |
| Inspection and licenses | 8,726 | |
| Post office | 39,196 | |
| Commission P. O. orders | 1,289 | |
| Public Works | 500 | |
| Fisheries | 304 | |
| Marine Department | 4,800 | |
| | | $ 249,133 |
| Tonnage per capita | | 1 1/10 tons |
| Imports " | | 5·00 |
| Exports " | | 11·11 |
| Revenue " | | 2·29 |

With regard to the imports of Prince Edward Island, no doubt a great portion of the goods consumed there are entered in other ports of the Dominion and it is only just that $500,000 should be added to the imports of that province to make it what it should be.

Hon. Mr. FERGUSON—How does the the hon. gentleman arrive at the estimate of what should be added?

Hon. Mr. MACDONALD—I arrive at it in this way: our own province has very nearly the same population, and I estimate that we get from the other provinces between $500,000 and $750,000 worth of goods on which duty is paid at ports outside of British Columbia.

Hon. Mr. FERGUSON—I think the estimate is very much too low in the case of Prince Edward Island.

Hon. Mr. MACDONALD–Then the hon. gentleman thinks they should have credit for more than $500,000.?

Hon. Mr. FERGUSON—Yes, I do.

Hon. Mr. MACDONALD—I am perfectly willing to allow the rate paid by the east-

ern provinces, $6 per head. The figures which I find in the blue-book show that the revenue collected in Prince Edward Island is only $2.29 per head, but on a liberal estimate let us make it $6 per head. I think it is a very good position to be in to pay a small amount of revenue. The people of the Island can keep the money in their own pockets instead of paying it over to the government. I now come to the province of British Columbia.

| | |
|---|---|
| Population | 98,073 |
| Shipping tonnage | 1,795,612 |
| Imports | $ 5,269,617 |
| Exports | $ 8,142,569 |

REVENUE.

| | | |
|---|---|---|
| Customs | $1,306,833 | |
| Excises spirits | 126,638 | |
| " malt | 1,143 | |
| " tobacco | 59,825 | |
| Inspection and licenses | 7,846 | |
| Post Office | 135,554 | |
| Commission P. O. orders | 9,439 | |
| Public works | 11,748 | |
| Fisheries | 40,264 | |
| Marine | 6,800 | |
| | | $1,706,090 |
| Tonage per capita | | 18½ tons |
| Imports | | 53·23 |
| Exports | | 82·25 |
| Revenue | | 17·31 |

As it would manifestly be fair to add about $500,000 to the imports of Prince Edward Island for goods consumed in that province on which the duty has been paid in other provinces, so would it be fair and proper to add to the imports of British Columbia a like amount for goods, and products taken into that province from other provinces and the North-west. With regard to the exports of British Columbia, the volume is so large that some hon. gentlemen might think that credit was given it, and its exports increased, by the products of other provinces shipped at the Port of Vancouver for Japan, China and Australia, and I confess to having thought so myself, but I have proved by investigation that such is not the case, and that the goods from eastern provinces shipped at Vancouver are credited to those provinces, and not to British Columbia. I cannot allow these figures to pass without mentioning the thoughts which came into my mind when finishing the figures as a commentary on free trade as it is in England *versus* protection in Canada. The population of Ontario, Quebec, Prince Edward Island and British Columbia—these four provinces—is very nearly the same as that of Scotland, but the difference in their contributions to the public revenue of their respective governments is very marked, and very great. The four provinces which I have named contribute about $25,624,212, whereas Scotland, under a free trade system, contributes about $55,000,000, more than twice the contribution of these provinces. I merely mention this to show the fallacy of free trade. I will now group the provinces of of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, and compare their aggregate trade and revenue with that of British Columbia. In this statement I have given Ontario credit for its proportional share of the tonnage previously credited to the maritime provinces and Quebec. I will first take tonnage inward and outwards ; the per capita for these five provinces is 1½ tons as against 18½ tons per capita for British Columbia. It no doubt will be said that all this tonnage is not for British Columbia. I admit that goods are landed at our ports in transit for other places, but this is the case also with regard to tonnage to Quebec and the Maritime Province. They carry goods in transit for other places, but the fact remains that the tonnage as stated come to these different ports in the several provinces. The imports of these five provinces show the amount per capita to be $25.88⅓—as against $53.23 per capita for British Columbia. The exports of these five provinces show the amount per capita to be $24, as against $82 per capita for British Columbia. The revenue of these five provinces per capita is $6.09, as against $17.31 for British Columbia, which shows that our province has contributed nearly three times as much revenue per head as the other provinces. New Brunswick, with three times our population, contributed to the revenue $1,524,478, whereas British Columbia contributes $1,706,090. Our imports are about $200,000, and our exports about $1,500,000 larger than those of that province. I will take another item of revenue about which there can be no mistake, as to its being paid exclusively by the province to which it is credited. I refer to the post office revenue. Prince Edward Island contributed $39,196; British Columbia contributed $135,554, or about $96,358 more under the head above. New Brunswick with three times the population of British Columbia paid commissions on money orders $7,074 ; Prince Edward Island on the same account, $1,289 ; British Columbia for the same account paid $9,439 —more than those two provinces together— with a population four times greater. I ask

hon. gentlemen have I not proved my contention that we are beyond the stage of leading-strings, and stand in an unrivalled position. I will now ask the question of which I have given notice.

Hon. Mr. KAULBACH—I am not going to make a speech. I am very much pleased with the way in which my hon. friend has brought this matter before us, but I want to emphasize a little what he said about Nova Scotia. Notwithstanding the laudations of his own province, he most conclusively shows by his figures, I contend, that Nova Scotia is the banner province of Canada. According to what my hon. friend shows, it has a registered sea-going tonnage employed in carrying cargo to and from Nova Scotia greater than that of any other province. We have about one-third of the carrying trade of the whole of Canada; per capita we have $5\frac{2}{3}$ tons. As far as is possible we should obliterate provincialism, and do justice to all on the broadest ground possible. I hope the Premier, in considering the interests of British Columbia and what should be done for that province, will not forget Nova Scotia, because, after all, it is still the most important part of the Dominion, but we look for nothing but what is in the interest of all Canada.

Hon. Mr. ALMON—I should like to have some information which is in keeping with the matter brought before us. The hon. gentleman wishes to have a minister from British Columbia. I understand that the members without portfolio have to pay their own travelling expenses. In Nova Scotia a very large sum is paid by the ministers without portfolio when they come to Ottawa. If you grant the hon. gentleman his request, it will ruin the member who is appointed to the ministry. When you ask a man who lives in British Columbia to be a minister without portfolio, the minister with portfolio must feel very uncomfortable in seeing a minister without portfolio doing the same work as they, not only without remuneration, but with great expense to themselves of both time and money. This I understand to be the case of the hon. gentleman who is Minister from Prince Edward Island without portfolio. I should like very much to know from the hon. member from British Columbia whether he would have to pay his own travelling expenses when he came here if he were appointed a minister without portfolio.

Hon. Mr. PROWSE—I have some sympathy for my hon. friend who has introduced this matter to the Senate, and agree with him that the outlying provinces of this Dominion, have not had an opportunity of presenting their claims in a way that they should have. Coming as I do from the smallest province, in the Dominion, one of the outlying provinces, I have to compliment the government on taking a new departure and extending to Prince Edward Island representation in the Cabinet of the day, although I am not at all satisfied with the position that that hon. gentleman occupies. He is a representative farmer in this Dominion, not by any means very wealthy, and as a member of the government without portifolio, he has no allowance for his travelling expenses or for a private secretary to do his work, of which I believe he is today doing personally as much as any member of the administration. I hope the day is not far distant when the government will see their way clear to taking a better position in that regard. I do not think, myself, that the Premier should be held to hard and fast lines in forming his cabinet and compelled to take members of the government from every province of the Dominion. Circumstances may happen where it is impossible to take a man from a province on every occasion, but, where the circumstances are favourable, the interests of the outlying provinces should be especially taken into consideration. It is well known that the provinces of Quebec and Ontario are very favourably situated in this regard. Here we have the parliament buildings on the boundary between these two provinces, and it is not so necessary to have a number of portfolios held by representatives of those two provinces as it is to have entrusted to representatives from the far distant provinces of British Columbia, Prince Edward Island and also Newfoundland when she comes into the Dominion, which I hope will be before long.

Hon. Mr. LOUGHEED—What about the Territories?

Hon. Mr. PROWSE—And the Territories also as soon as the government see their way to admit them. It must be obvious that members of the government who live at or near the capital, cannot possibly understand the wants and desires, the in-

terests and necessities of distant provinces like Prince Edward Island. As men who live in those communities do—men brought up in them and having their interests in touch with the people living in those out lying provinces. I know that Prince Edward Island has suffered immensely during the last fifteen or twenty years for want of representation. The cabinet, not for want of a disposition on the part of the government to do justice to all parts of the Dominion, but from actual lack of knowledge, not being in touch with the people there to know their wants and requirements. It would be but fair to these outlying provinces where the circumstances warrant it and where they have men of ability and standing in sympathy with the government of the day that they should have at least one of the portfolios: not that I would take away any of the influence from Quebec or from Ontario, because we know their influence will be par amount in this Dominion for many years to come, at all events, but we know that in these larger provinces there are many men to whom the salary connected with a portfolio is no object whatever—millionaires who, from their long experience and perfect knowledge of public affairs, would be of great assistance and benefit to the government of the day and who would not care to be harassed with the worry and responsibilities of a department. These men, both from Quebec and Ontario, would be of very great assistance to any government, while the portfolios might be given to those living in the outlying provinces whereby they would have sufficient to pay the expenses naturally connected with representation at the seat of government. I wish to make one or two remarks in reference to the comparison which my hon. friend from British Columbia has brought before the Senate on the present occasion. So far as the revenue is concerned the tables that he has read do not in any way fairly represent the importations of the several provinces. In Prince Edward Island, for instance, we import very little now from abroad. The national policy was designed to stimulate inter-provincial trade. Before confederation almost all our importations of foreign goods—goods that we did not manufacture ourselves—we imported from Great Britain. To-day they are almost entirely imported from Quebec, Montreal, Toronto, Halifax and St. John. With respect to the goods that we imported from England, the merchants of Prince Edward Island doing a small country business but a very general business in all kind of merchandise, find their requirements so small in any one line that it is more advantageous for them to purchase from the wholesale merchants in the large cities than to import directly themselves. Consequently our receipts from the customs house show a very small sum indeed. If you will take up the statistics and census returns you will find that the people of Prince Edward Island, about 109,000, will compare favourably as consumers with 109,000 people in any portion of this Dominion, I am satisfied that they consume imported goods equally with the same number of people in any of the provinces. I do not wish to make a long speech on the present occasion, but merely to show that we are in a position to consume, and do consume, as large a proportion of imported goods as any other part of the Dominion. The argument of the hon. gentleman in that regard does not bear out the real facts of the case, and does not effect the claim which he has set up, of fair representation for British Columbia in the cabinet. I will make one remark further in reference to the policy of the government. I believe the country can adopt no policy which would be better suited to the development of this country than the encouragement of the mining and manufacturing industry such as has been going on for some time past. I believe our mines are second to none in the world. We have any amount of nickle, iron, gold and silver, and if we can induce people to come into this country to develop these resources, we will be continually making a home market for our farmers. In my opinion these industries should be so encouraged and promoted that they may keep pace with the increased farming population A good deal has been said with reference to shipping. We know that the wooden ships are being rapidly displaced to-day by iron ships, that the sails are being displaced by steam; and there is no reason in the world, if we have the coal and iron and nickel in this country, why the great shipbuilding industry that used to exist in Quebec, New Brunswick and Nova Scotia, to a certain extent, should not be largely supplemented by iron works, by large ship-building establishments for iron ships and steamships, the same as they have in the old country. That should be our goal. And when we get

the iron from our iron mines, and manufacture it into a valuable product, and shipbuilding is introduced for the construction of iron ships propelled by steam, in place of sails, this country will progress more rapidly in the future even than it has in the past. One word in reference to the comparison which the hon. gentleman has made of the revenue derived from the people of British Columbia as compared with that contributed by the people of Prince Edward Island. I read from the report that was made by a delegation that went to England some years ago from Prince Edward Island to represent the claims of our province before the home government. It was argued in the presence of and with Sir Charles Tupper in 1886:

The difficulty of arriving at an absolutely correct calculation of the amount of dutiable goods which the people of Prince Edward Island consume cannot fail to be appreciated, yet the undersigned submit that there are several methods by which it may fairly be estimated. It must be premised that the people of the island are very large consumers of dutiable goods for the reason that, being chiefly engaged in agriculture and fishing, their manufactures are very small as compared with the rest of Canada, valuing, according to the last census returns, only $31.33 per head to $72.63 per head of the other provinces.

In proof of the assertion that the people of the island are principally engaged in agriculture and fishing, the undersigned would again advert to the census returns of 1881, which show that (the North-west Territories not being included):

One-half the area of Prince Edward Island is cultivated.

Only one-twenty-fifth of the other provinces is cultivated.

Prince Edward Island has a population of 51 to the square mile.

The other provinces only 4·72.

Prince Edward Island owns 55 live stock for every 100 acres of improved land; the other provinces only 38.

In field products Prince Edward Island raises to the acre of improved land 108⅔ bushels; the other provinces 61¼ bushels.

From the fisheries Prince Edward Island produces $17.08 per head value; the other provinces, $3.55.

The people of the island are generally in comfortable circumstances, in proof of which may be adduced the amount of deposits per head in the savings banks, which average $16.59 for the island against $7.66 for the rest of the Dominion.

These figures clearly prove that the people of Prince Edward Island, from the fact of their not being extensive manufacturers, are under the necessity of using imported goods to a large extent, while the fertility of their soil, the value of their fisheries, and their general independence, demonstrate their ability to purchase. This being understood, the undersigned submits the following calculations, designed to show that the import of dutiable goods into the island are very much larger than suggested by the Committee of Council, and consequently the contributions to the revenue proportionately greater.



I do not think I need go further to show that the calculation made by the hon. gentleman from Victoria is misleading and scarcely fair to any of the provinces. I trust that the advocacy of the proposition made by the hon. gentleman of British Columbia will not be lost upon the government and when the opportunity offers that all the outlying provinces will be fairly regarded and their claims fairly taken into consideration and that they will be represented in the government by suitable men.

Hon. Mr. McINNES (B. C.)—I feel that I ought not to allow this motion to pass without offering a few remarks, especially in reply to what has fallen from the hon. gentleman who has just resumed his seat. He casts a doubt on the accuracy of the figures presented by my hon. friend from Victoria, and claims that the duty on a very large percentage of the goods consumed by the people of his province is not paid in Prince Edward Island but in other provinces. I admit that that is correct to a very great extent, yet I can assure that hon. gentleman and this House that probably the duty on a larger percentage of goods consumed in the province of British Columbia, is paid in the eastern provinces than is the case in Prince Edward Island. He also claims that the amount per capita paid into the Dominion treasury is as large in his province. I have endeavoured on more than one occasion to explain to this House how it is that the small population that we have in British Columbia contributes such enormous sums to the Dominion treasury, I will repeat the explanation now. In the first place, our population is largely composed of male adults, engaged in different enterprises that enable them to be large importers of foreign goods. I admit that in respect to the fishing industry, the province of Prince Edward Island and British Columbia are on a par, but it is the only respect in which that can be said. We are largely engaged in lumbering, Prince Edward Island is not a lumbering province. We are largely engaged in mining—in coal, silver and gold mining. The province of Prince Edward Island unfortunately has no such industry. I may also say that the proportion of males being so much greater in British Columbia than in

the province of Prince Edward Island, or any of the sister provinces, the percentage that we contribute to the Dominion treasury is necessarily from three to four, and in some instances six times, as great as that in the sister provinces.

Hon. Mr. McKAY—Are not the females the most expensive part of the family?

Hon. Mr. McINNES (B.C.)—In some cases they are undoubtedly the most expensive, but unfortunately we have nothing like the same female population that the sister provinces have. The hon. gentleman and this House must be convinced that whatever claim there may be in the contention he put forward that a great deal of the duty on the goods consumed in Prince Edward Island is paid in other provinces and credited to other provinces, I will call attention to the fact that the exports of our province were over eight millions of dollars last year, while the exports of Prince Edward Island were about one million and a quarter. I find again that in the Post Office Department referred to—and very properly referred to—by my hon. friend who has introduced this subject, that we are contributing no less than $135,000, while the province from which my hon. friend hails contributes $29,000. We contribute over $96,000 more than that province, though we have probably a less population. That will give an idea, and will probably convince even the hon. gentleman himself of the character of the business in which the people of British Columbia are engaged, in order to create such a large correspondence and to pay such an enormous sum to the Post Office Department. I am not going to detain the House any longer on this subject, because it has been so well and ably presented by my hon. colleague, but I can assure this House, that the people of British Columbia are not satisfied, neither will they be satisfied unless they have what they are justly entitled to, namely a portfolio—not merely a member having a seat in the cabinet, but a member holding a portfolio. It is utterly impossible, as has been stated by the hon. gentleman from Prince Edward Island, that people from the provinces of Quebec and Ontario, ministers who probably have never been even in those western provinces, can intelligently legislate and enact laws and measures by which these different portions of the Dominion can be well and successfully governed. The conditions in British Columbia are different from what they are here, and even more different from what they are in Prince Edward Island. While I am delighted to see every political division in the eastern part of this country represented in the cabinet, yet I claim that the maritime provinces ought to be taken as a whole. In Prince Edward Island, Nova Scotia and New Brunswick there is very little variation in the conditions, and representation should be given them as a group, but the North-west Territories and British Columbia should remain no longer without a representative in the cabinet. It is a downright shame to leave them unrepresented, and I can assure you the people will not submit to it any longer. That is pretty strong language to make use of, but I can tell hon. gentlemen that such a feeling exists in British Columbia, that they will not submit to it, and probably when another election takes place this House and the government will realize the fact. I care not, as I said before, whether it is a liberal or a conservative government is in power, we want to have a representative in the cabinet that we can hold responsible, and that we can appeal to, and see that he carries out or tries to carry out what is in the best interest of that distant province. That is the object we have in view. I feel it; every British Columbian feels, no matter whether he is a Liberal or a Conservative, that we have been badly used, and I would caution the Premier who is here now to immediately, or within a very short time, appoint my hon. colleague to a position in the cabinet to which he is justly entitled. It has been suggested to me, and I may mention it to the House, that the hon. gentleman who has introduced this subject referred to the very reason why we have not had a member in the cabinet long before now, namely, that they have been too loyal to the government of the day, and not sufficiently loyal to their province. There is a limit to that loyalty, but in order to obviate any more difficulties in that direction, I hope the hon. Premier will immediately give my worthy colleague from Victoria a seat in the cabinet.

Hon. Mr. MACDONALD (B.C.)—No personal allusions please.

Hon. Sir MACKENZIE BOWELL—The question brought before the Senate by

the hon. member from Victoria is one of no little importance, when considered in its broadest sense as affecting the whole Dominion. I may say, however, at the outset, that I hope the day is not far distant when the question of the locality from which any hon. gentleman hails will no longer be considered a qualification either for a portfolio in the government, or as fitting him for a position as an adviser of the Crown, whether having a portfolio or not. I am looking forward to the early extinction of those sectional differences which have existed, but are fast, I am happy to say dying out, since confederation. I do not want to be understood as either advocating or suggesting that any portion of the Dominion should not be represented in the cabinet, everything being equal; but I repeat, that the policy of the present Government has been, not only to do justice to every section of Canada, so far as it has been possible for them to meet the wishes of the different localities, but at the same time to ignore the idea of the particular province or locality from which any individual came being a qualification for appointment either to this House or to the cabinet. While I say that, I repeat now, publicly, what I have stated to members from British Columbia since I have had the responsibility thrown upon my shoulders of being at the head of the government: I hope the time is not far distant when every part of Canada—not because it is a province—should have a representative in the cabinet. In admitting that, I have called attention to this important fact also, that at Confederation certain provisions were made for the representation of Quebec, Ontario and the Maritime provinces. Since Confederation that compact has been carried out as far as possible. Quebec has never lost one of its representatives at the council board. In 1878, New Brunswick was deprived of one of its representatives, Nova Scotia retaining the number given to it at the time of the union. Prince Edward Island was given representation in the Cabinet in the person of the late Hon. J. C. Pope, and Sir Leonard Tilley was the only representative of New Brunswick. Since that time, Manitoba and the North-west Territories have been given representation and Ontario, the largest province in Canada—speaking financially, if I were to adopt the principle which has been advocated by the hon. gentleman from Victoria, it pays the largest amount into the revenue—has been deprived of one of its representatives; but compensation followed as suggested by the hon. gentleman from Prince Edward Island. There were gentlemen in Ontario who were willing to accept positions in the cabinet without portfolio. It was a matter of pride to them and it was a great advantage to the province to have their advice and assistance in the administration of the country. This is the first time I have heard that in England, in the formation of any government, the question has ever been considered whether a public man lived in England, in Scotland or in Ireland. We have had viceroys sent to Ireland who were Scotchmen and Englishmen. On some occasions they have been Irishmen—the late Lord Londonderry, for instance. So it has been in the distribution of the different cabinet offices in England—the question of nationality or race, and I am glad to say of religion either at the present day, has never interfered with the calling to the councils of the nation a man fitted for any position, and I hope the day is far distant when a man's race or creed or place of residence will be considered in England a qualification for any position under the Crown. Let us endeavour in this country to follow the example of the old land, and declare that fitness for the position, and experience and ability to administer the affairs of the country, shall be the only recommendations for positions in the cabinet. While I lay that down as a general principle, it is impossible to ignore the fact that a man resident in any distant portion of this Dominion is better qualified to discuss the real wants of that particular locality than a man living 2,000 or 3,000 miles away from it. The same difficulty which we labour under here has been experienced in the United States. The cabinet there is much smaller than ours, and yet the same diversity of interest exists in that great nation as in our smaller Dominion. In the allotment of the different offices, while their system is quite different to that under which we are governed, they have as a rule taken the men who have rendered the best party services as being best qualified to assist in the administration of affairs.

Hon. Mr. McINNES (B.C.)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says hear, hear, and laughs. Should the country ever be unfortunate enough to bring the hon. gentleman's party into power, I am sure they will not forget that cardinal principle; and British Columbia ought to be satisfied with the fact that she has such a representative as the hon. gentleman from New Westminster to look after her interests. That would be some compensation for the great losses which my hon. friend from Victoria claims she has suffered. I do not know that it would be profitable for me to inquire into, or discuss the statement made by the hon. gentleman, that the other provinces have been sufficiently powerful to enforce their rights, inferring that if they were not powerful numerically their rights would not be conceded. That is the only logical conclusion at which I can arrive from the hon. gentleman's assertion. I venture to say, and long experience has taught it to me, that the smaller provinces—not the smallest, territorially, but the smallest in representation—such as the North-west Territory, Manitoba, Prince Edward Island and British Columbia, can combine together and make demands just as earnestly and effectually as they do in Ontario and of Quebec.

Hon. Mr. ANGERS—More so.

Hon. Sir MACKENZIE BOWELL—I am only putting them on a par. Experience has taught me that they do not lack either the energy or the determination to impress upon the members of the government their wants and necessities, and I hesitate not to say that they receive in as great a proportion as do the larger provinces. An expression fell from the lips of my hon. friend from Victoria, which I regret. He said that political favourites, parasites, were sent from the older provinces to occupy positions in the newer ones. When we reflect for a moment that many of those provinces, so far as the Dominion is concerned, are comparatively young—as they themselves say, new—it has been found convenient and necessary in the past to send gentlemen from the older provinces to occupy different positions. That has been done by political parties, I admit. British Columbia had an Ontario man sent out for governor. I have a recollection of but one—I may be wrong—and that was Mr. Richards, who was sent out as governor of that province. If there have been others they escape my mind at the present moment.

Hon. Mr. McINNES (B.C.)—Mr. Richards was a resident of British Columbia for about a year before he was appointed governor.

Hon. Sir MACKENZIE BOWELL—I am not going into the history of how long he was there or why he was appointed to fill that position. The fact is, he was a Canadian, and British Columbia was a portion of Canada. I know a good deal of fault is found because the present governor was appointed to occupy that high and important position in British Columbia. We all know, who know anything of the history of the government of the country, that Mr. Dewdney was as much a British Columbian as any man who lives there to-day. He had lived there the greater portion of his life, had pursued his vocation in that province, and knew, I venture the assertion, as much of its wants and capabilities and resources as any man in the Dominion of Canada. It may be that the North-west Territories would have some cause of complaint on the ground of his being appointed governor of that part of Canada, but from what I know of his administration, he performed his duties well, and was very acceptable to the people whom he governed for the time being. I do not desire to prolong this debate, but I hope my hon. friend from Victoria will forgive me when I state that, in my humble judgment, the charge he brings against the administration of not looking after and to the interests of British Columbia, is not well founded. We have been paying for years large subsidies for steamship services on the Pacific, in order to cultivate a trade between the older lands and our own. While we have been paying towards the development of trade with the Spanish Antilles, the West Indies and other portions of the world in order to bring trade to the maritime provinces as much as possible, have we forgotten the Pacific Coast in the pursuance of that policy? We are paying a large subsidy to-day to build up a trade between Canada and Japan and China.

Hon. Mr. McINNES (B.C.)—Why do you not have those steamers call at Victoria as well?

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had more municipal politics eradicated from that massive brain of his, he would have been able to comprehend what I was saying without interrupting me. I say in looking after the interests of the whole Dominion, we first subsidized the magnificant line of steamships to develop—and it is developing to as rapid an extent as could have been anticipated—the trade between China and Japan and the Pacific Coast of Canada, in order that British Columbia should not be in a position to say that we were spending the money of this Dominion to develop trade in the east and forgetting altogether trade in the west. We are paying now $125,000 annually towards a steamship line to develop trade between the Australasian colonies and British Columbia, and in that instance, where I had something to say in connection with the contract, I stipulated that they should call at Victoria. I knew the complaints that had been made in connection with the other steamers, and was desirous that as many sections as possible of the British Columbian coast should receive a proportionate benefit from the establishment of that line. I took care that Victoria, the capital of the country, the most important city in the whole province, should not be overlooked. I do not know that I should have referred to this, had not the hon. gentleman referred to the fact that the Japan and China steamers do not stop there. To the results of that policy I am looking forward with a good deal of expectation, because it has been somewhat of a hobby of mine, with me, as my colleagues know, that Canada shall be made the great highway of the world. I trust the time may not be far distant when the popular route around the globe will be by the fast Atlantic steamship vessels, equal to any of the greyhounds that are now ploughing the sea between England and New York, and across this continent to British Columbia and thence by our own steamship lines to the far east. Experience has shown that as you can draw passenger traffic, and particularly that class of passengers who travel for pleasure, just in proportion to their numbers is the expenditure in the countries through which they travel. Have we forgotten, so far as the revenue of the country would justify, the railway enterprise of British Columbia? I know that when we have mentioned in the past, the millions spent in connecting the Pacific Coast with the eastern portion of the Dominion, we have been told "Oh, that was for your own benefit; that was for the benefit of the east." I admit that it was to some extent, but was it not just as great an advantage to the British Columbians as it was to those who live in Ontario and on the Atlantic Coast?

Hon. Mr. MACDONALD (B.C.)—Yes, certainly it was.

Hon. Sir MACKENZIE BOWELL—I go further, and say had it not been for the union of British Columbia with the older provinces, and the expenditure of that enormous amount of money in the construction of the Canadian Pacific Railway, you would not be today in as prosperous a condition as you are, nor would you be collecting that enormous amount of revenue which you now boast of contributing and for which you say you do not receive a full return from the expenditure of the country. We have also to the fullest extent of our revenue subsidized lines running into the mining districts of British Columbia, and strange to say the only man out of the 84 members of the Senate who objected to a subsidy to a road intended to run into that rich mining section to which the hon. gentleman has referred, was a British Columbian; yet we find the very same gentleman rising to-day and telling us that we do not do them justice. When we offered to spend the money of the Dominion—theirs just as much as ours—in the opening up and bringing to the markets of the world the great wealth of the Kootenay district, we found a British Columbian solemnly protesting against assisting a line to enable the miners in those mountainous districts to carry out the natural wealth of the country. In saying that, I do not wish it to be understood that I refer to the hon. gentleman who brought this question before the House.

Hon. Mr. McINNES (B.C.)—Will the hon. gentleman mention the man who did oppose it.

Hon. Sir MACKENZIE BOWELL—I mean you.

Hon. Mr. McINNES (B.C.)—That statement is incorrect. I never opposed any grant or aid, or assistance to a road to open

up any one portion of British Columbia. If the hon. gentleman has reference to a bill that was before the House last year, that was creating a monopoly by which the Canadian Pacific Railway—because it was a Canadian Pacific Railway branch—would not allow any other road to be built within 15 or 20 miles of that line. I objected to granting such extraordinary powers, but so far as opposing a subsidy to any road in British Columbia, that statement is incorrect, and I am certain that the Premier must have misunderstood the discussion last year.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must certainly have forgotten—

Hon. Mr. McINNES (B.C.)—I have not forgotten.

Hon. Sir MACKENZIE BOWELL—The Dominion subsidized a road to connect the Kootenay River, just below Nelson, with the Columbia River. Mines were discovered some distance to the north, and it was necessary to run a road from the foot of Arrow lake into the interior in order to reach those rich mines, and when that question came before the House the only opposition it met with, no matter for what reason, was from the hon. member from New Westminster, and the records will show that the statement I make is quite correct. The hon. gentleman says that it was because the bill was granting a monopoly—a monopoly, forsooth! Who would attempt to run a road into those mountains unless they expected to derive some benefit from it? But no road that has been built into that section of country can have a monopoly when the traffic requires a competing line. I need not mention all the roads to which we have given aid to open up the different sections of that country; we have gone as far as the revenues of the country would justify at the time. I hope that you may have a road running into the Cariboo mines ere long, in order that they may be opened up with the other portions of the country. I readily admit the great wealth of that section and that its resources are such as would justify almost any expenditure that might be necessary to develop and open it up. I must take exception, before I sit down, not to the figures which the hon. gentleman has given to the House, because, I believe they are strictly accurate, but to the deductions and the inferences which he draws from them. Some few years ago, when in the lower House, a somewhat similar question was discussed, an attack was made on the government and an attempt made to prove that the national policy had not increased the exportation of manufactures and other goods to the extent that had been anticipated. Looking at the trade returns of the maritime provinces, I found that the dutiable imports were between 14 and 15 millions of dollars less than before they came into confederation, but did that prove that these people were any poorer? Did it prove that Nova Scotia, Prince Edward Island, and New Brunswick had deteriorated, or gone back, or were not wealthier to-day than when they came into the Dominion? For answer you had only to look at the quantity of goods sent from Quebec, Montreal and other portions of the Dominion into those provinces to supply the place of the very articles that they used to import from England. Take the importations into Prince Edward Island alone: The year before she came into confederation, she imported and paid duty on goods to the value of $1,372,500. That was in 1872. In 1894 she had decreased about one hundred thousand or two hundred thousand dollars in her imports, but that is no evidence that she did not consume goods upon which duty had been paid in other portions of the province. We all know that the importations into the province of Quebec, which give her apparently, from the figures, so large a proportionate amount of duties paid into the Dominion—not so much to-day as it was ten or fifteen years ago—are not consumed in that province. Montreal, the head of ocean navigation, is in that province. Thirty years ago we had scarcely any large importing houses in the province of Ontario, and the consequence was that the goods used to be imported, entered, duty paid in Montreal, and then sent on to the western country, as is done now to a large extent into Manitoba and the North-west Territories; so that if we were to take what Quebec pays per head on her imports, we would be led to believe that she pays more than any other portion of the Dominion. Take the North-west to-day; the returns from customs on importations last year was about eleven thousand dollars; yet we know that the North-west has a population that

consumes largely of imported and home manufactured goods. To say that these people do not consume as much as other provinces where agricultural pursuits are followed to a large extent, would be to do them an injustice. And it is the same with all the other provinces. The people of British Columbia do not devote time and attention to those industries which produce all that is necessary for their sustenance. Their industries, as has been very properly pointed out, consist in mining, lumbering, fishing and other pursuits which do not meet their wants to the same extent as do the productions of the other provinces, and hence their importation is much larger. The same remarks, arguments and statements may be applied with equal force to the tonnage. Of course, Ontario could not expect to have that tonnage, unless it is inland tonnage, because it is furnished with the goods which are imported from abroad by ships whose tonnage is entered in the maritime provinces, on the Pacific as well as on the Atlantic. Now, as for representation in the two Houses, British Columbia certainly stands in as favourable a position as the other and smaller provinces. We all know that at the Union the representation was based upon the unit of 65 for Quebec, but British Columbia was shrewd enough to make a provision, when it came into the Dominion, that it should have six representaives no matter how small the population might be. Prince Edward Island did not take that precaution, and consequently in the redistribution of the representation a few years ago, the little island lost one of its representatives, although it had a larger population than British Columbia has to-day. British Columbia has six and Prince Edward Island only five. I am finding no fault with that, because when you take the population, including the Indians, of British Columbia we find it is about 98,000, giving about 16,333 of a population to each representative; while Prince Edward Island has over 21,600 to each. I merely give that to show that in this particular at least, British Columbia has an equal representation with other sections of the Dominion. As to the post office receipts, I venture to say that if any one will examine them, it will be found that in new sections of the country, the settlers have a larger correspondence with their friends whom they have left than have the people in the older provinces. Hence, the postal revenues of a new province, and particularly a business province like British Columbia, and of the Northwest Territories, are larger in proportion than in the older settlements. It is quite true also that the difficulties in reaching the outposts in those new countries, sparsely settled as many of them are, render it more costly to carry the mail. Hence, it is no argument to say that because it costs so much more to send your mail matter in these new provinces, that they are getting more than their share; but quite the contrary. The conclusion at which my hon. friend arrived was that, considering the importance of British Columbia, they should have a representative in the Cabinet. The junior member for Halifax referred to positions in the Cabinet without portfolio, and he pointed out what is quite true, that in an extensive country like this if a gentleman like my hon. friend from Prince Edward Island has a seat in the cabinet without portfolio, it involves a good deal of expense. There is much force in what the hon. gentleman says, and it is a question whether that should not be remedied in some way. I can only say, in closing my remarks, that I hope there will be no cause for complaint in future, and when it can be done, consistently with the interest of the government of the country and consistently with the interests of the different sections of the Dominion, every section should be represented in one way or another. But I wish the House to reflect for a moment upon the difficulty, in the formation of any government, of turning men out who have been in the cabinet for a length of time in order to make room for others. Somebody must make way, unless we carry out the other suggestion which was made, of creatiug a few more portfolios. That would be the easiest away to do it, but I am sure that were my hon. friend the junior member from Halifax, in the government, he would find by the time he met all the demands of parliament, he would come out of it poorer than he went in. I was going to add that I think there is one gentleman who has had some experience in that matter who will agree with me upon this point more than upon any other utterance I can make on behalf of the government. I can only say to my hon. friend from New Westminster that I rejoice in the fact that the British Columbians, since that province has come into confederation, have been loyal and true to the party

that they originally—not originally but always—belonged to ; that they never found it necessary, from personal interest or personal ambition, or disappointed speculations, to desert their party and go over to the other side. It is a loyalty that has characterized the members from British Columbia which all must admire, and for which I feel the warmest gratitute, not only as a member of this government, but as an old politician and parliamentarian. It is a pleasure for me to reflect that in all my associations with those gentlemen they have never had but one principle, so far as the administration in the country was concerned, and that was to adhere loyally to the promises they had made to their constituents, and act consistently with the principles they had always advocated. I have no doubt when the time comes to appeal again to the people, that they will be found just as true and just as loyal to the old flag and the old party and the old policy as they have been in the past.

Hon. Mr. McINNES (B.C.)—The hon. Premier referred to a bill that I opposed here—a bill providing for the building of a railway in British Columbia. I have sent for the Senate Debates, 1893, and the remarks will be found at page 430. It was the "Columbia and Kootenay Railway and Navigation Company's Bill" that was before the House, and upon that occasion I delivered myself in the following way :

As far as the building of that road is concerned, I may say that I am as strongly in favour of it as any hon. gentleman in the House or in this country, and my sole object in moving the amendment of which I have givee notice is simply to protect and to promote the interests of that particular portion of British Columbia which is being fast filled up, owing to the many mining camps and claims that have been discovered there within the last two years. I moved in the railway committee, when this bill was before it, that a certain portion of the second clause should be struck out. I will read the whole clause in order that hon. gentlemen may fully understand how I want the section amended :

"The company may construct and operate a railway between some point on its recent line between Nelson and Robson on the south and Revelstoke on the north, together with such branch or branches as may from time to time be authorized by the Governor in Council, not exceeding in any one case the length of 30 miles."

The words that I wish struck out are "together with such branch or branches as may from time to time be authorized by the Governor in Council, not exceeding in any one case the length of 30 miles." Hon. gentlemen are aware that in the general Railway Act the power of building branches to the extent of six miles is given to railway companies. I refer to the Railway Act of 1886, 49 Vic., chap. 109, sec. 15, subsection 15 :

"Any company may construct a branch or branches not exceeding six niles in length from any terminus or station of its railway."

That is the power granted in the general Railway Act, and I am not aware that this parliament, or any parliament sinee 1867, has granted powers such as those asked for in this section, other than that granted to the Canadian Pacific Railway in their original charter. The 14th section of that Act provides, and so on.

It will be seen that I was not opposing the building of a road in British Columbia, or opposing any grant that this government saw fit to make to any road in British Columbia. On the contrary, I was anxious that that road should be built, no one was more anxous them I was, but at the same time I was anxious that the interests of other portions of the province and of other people should be protected as well as those of the company that was applying for the charter. I am charitable enough to suppose that the hon. premier's memory failed him or he would never have insinuated that I was opposing any grant to that Company or any other laudable undertaking in the Pacific province. I leave it to the House if the tactics of the Premier in misrepresenting me in this matter does not strongly savour of ward politics and is the product of everything but a gigantic brain.

Hon. Sir MACKENZIE BOWELL—I rise to a point of order. I do not object to an explanation, but I do object to a speech.

Hon. Mr. McINNES (B.C.)—I was misrepresented in another way as well, and I intend to call the attention of the House to it. The hon. gentleman and others have continually made the statement on the floor of this House and elsewhere that I was elected to represent a certain party. In my address to the electors of New Westminster, who elected me, I announced myself as independent in politics, and in the first Parliamentary Companion after I was elected I made use of the following words :—"Thoroughly independent in politics, in favour of equitable reciprocity with the United States and the immediate construction of the Canadian Pacific Railway." But when hon. gentlemen have nothing else to attack me on, they have recourse to misrepresentations, a habit the First Minister appears to glory in——

Hon. Sir MACKENZIE BOWELL—I am not aware that I mentioned the hon. gentleman's name. I spoke of the British Columbians generally. If my remarks fit the hon. gentleman, I have no objection that he should have the benefit of them. If what he states is correct—and I am not going to dispute him, because it is quite evident he thinks I refer to him—then he has been true to his instincts naturally, whatever they may be since he has been in the House, and consequently he occupies the same position as the others who have stuck loyally to the government. He can take just which horn of the dilemma he pleases.

Hon. Mr. McINNES (B.C.)—I never was born to be a slave to any government or party.

Hon. Mr. MACDONALD (B.C.)—I am glad my speech brought forth a very forcible Canadian speech from the Premier. It has the proper ring, but he misunderstood me on one or two points. My whole speech was advisory and I was finding no fault with the government. I said I was not going to find fault with or arraign the government for what they have done, but I was simply endeavouring to represent the views of the electorate. I have no fault to find with the government; but things change in time and what our people want should be done. When I spoke about people holding offices in British Columbia, I referred to minor appointments. Governor Dewdney, reading the hon. Premier's speech, would think that I had referred to him as a person sent over there against our wishes. He might have been sent against our wishes, but I did not say a word about him or about Mr. Richards either. I simply had the subordinate officers in my mind. I hope the Premier will take that explanation as the correct one. I made no charge against the government, but simply made an advisory speech, without putting forward my own opinion but giving the opinion of those I represent.

The motion was agreed to.

## THIRD READING.

Bill (J) "An Act to amend the Act respecting certain female offenders in Nova Scotia."—(Mr. Power.)

## SEDITIOUS AND UNLAWFUL ASSOCIATIONS AND OATHS BILL.

IN COMMITTEE.

Hon. Mr. MacINNES (Burlington) moved that the House resolves itself into a Committee of the Whole on Bill (7) "An Act further to amend the 10th chapter of the Consolidated Statutes for Lower Canada, respecting seditious and unlawful associations and oaths."

Hon. Mr. DeBOUCHERVILLE—Will the hon. gentleman explain the bill now?

Hon. Mr. MacINNES (Burlington)—This bill does not propose any innovation or confer any new power. The object being to place the grand lodge of Quebec and Ontario on the same footing. Under the statutes of 1865, passed before confederation, of the late province of Canada, the grand lodge of Canada is exempt from the penalties imposed on seditious and unlawful associations. Inasmuch as the grand lodge of Quebec has now jurisdiction in its own province, while the grand lodge of Canada has jurisdiction only in Ontario, it has been thought advisable to put the two grand lodges on the same footing. The Act in question is amended by substituting the word "in" for the word "of" so that it will read "or grand master or grand lodge in Canada."

Hon. Mr. DeBOUCHERVILLE—I am not quite satisfied with that explanation. The old law forbids secret associations and declares in the last clause that Freemasons will be excepted from the provision and it adds this, "any lodge acknowledged by the grand master of England in Canada." I understand the effect of the bill, it changes this and the grand master of England will have nothing more to do in Canada, but it will be the grand master of Canada who will give that permission—is not that the effect of the bill?

Hon. Mr. OGILVIE—With the exception of two or three lodges, the grand master of England has had nothing whatever to do with the grand lodge of Canada or the grand lodge of Quebec for the past 25 or 30 years.

Hon. Mr. DeBOUCHERVILLE—How did they go on?

Hon. Mr. OGILVIE—It is simply certain lodges whose head is in Scotland which they control, but now the lodges of Quebec are under the grand lodge of the province of Quebec alone, and this change of one word is simply to place the grand lodge of the province of Quebec in the same position as the grand lodge of Ontario.

The motion was agreed to.

In the Committee.

Hon. Mr. OGILVIE moved in amendment that the following clause be added:—

"All societies, associations and lodges, whose members are bound by oath, and whose objects are exclusively of a social, charitable or benevolent character, are hereby exempted from the penalty prescribed by Chapter 110 of the Consolidated Statute for Lower Canada."

Hon. Mr. POWER—I do not think it is in order for an honourable gentlemen to move such an amendment as that in Committee of the whole. This bill deals solely with the Masonic body, and is intended to facilitate their operations. The Masonic Association has been recognized by the law of this country as one to whose operations there is no special objection. Now, the honourable gentleman, in committee of the whole, moves an amendment which is really not germane to the bill before the committee at all. We do not know to what body this amendment may refer. It may refer to any number of bodies. The amendment itself says it refers to oath bound societies. For this committee to undertake to make such a sweeping change in the bill and in the law as would be made by that amendment is a highly objectionable proceeding. This parliament has passed an act incorporating the Orange Association, so that this amendment is not necessary so far as that order is concerned; and my own impression is, and I raise the question, that it is not competent for the committee to undertake to make such an amendment to the bill before the committee.

Hon. Mr. VIDAL—My judgment is that the amendment is out of order, as not being germane to the bill.

Hon. Mr. CLEMOW—I do not think it is out of order. Notice can be given and the amendment can be moved at the third reading of the bill. It merely provides that other societies shall have the same privileges that are now possessed by the masonic society. I do not see why it should not be incorporated in the bill.

Hon. Mr. VIDAL—I have given my opinion that it is not germane to the bill.

Hon. Mr. KAULBACH—I do not know what other society the hon. gentleman refers to. Any society which wants those privileges should apply for legislation, and show that it has some status in the country.

Hon. Mr. VIDAL, from the Committee, reported the bill without amendment.

## WINDSOR AND ANNAPOLIS RAIL WAY CO.'S BILL.

FIRST READING.

A message was received from the House of Commons with bill (49) "An Act respecting the Windsor and Annapolis Railway Company, Limited."

Hon. Mr. BOWELL—Is the hon. gentleman aware whether there is a clause in this Bill enabling the company to commute their claim with the government for duty?

Hon. Mr. POWER—I shall be able to answer that question at the second reading.

Hon. Mr. BOWELL—My reason for asking the question is that I wish to have a clause prepared to cover that point.

The bill was read the first time.

## EASTERN ASSURANCE SOCIETY'S BILL.

FIRST AND SECOND READING.

A message was received from the House of Commons with bill (33) "An act respecting the Eastern Assurance Society of Canada."

The bill was read the first time.

Hon. Mr. POWER—I propose to ask the indulgence of the House respecting this bill. This company has carried on business for some years, and the business has not been found profitable, and the company authorized its directors to dispose of the business. They have disposed of it to an English Assurance Company, and, as I un-

derstand, all or nearly all the corporators of the Eastern Assurance Company have agreed to transfer. Under the provisions of the agreement between the directors of the Eastern Assurance Company and the English Company, the transaction has to be completed, and this legislation has to be obtained on or before the 30th of June of this year. I understand that certain bills will be assented to before that date by his Excellency, or his deputy, and it is very important indeed for the purposes of the people who are selling this company out, that the bill should become law before the 30th of June. Inasmuch as the committee on Banking and Commerce, to whom it will be referred, will have every opportunity to consider any objections that may be made to it, I move that the 41st rule of the Senate be suspended so far as regards this bill.

The motion was agreed to.

Hon. Mr. POWER moved the second reading of the bill.

The motion was agreed to and the bill was read the second time and referred to the Committee on Banking and Commerce.

## BILLS INTRODUCED.

Bill (101) "An act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada." (Mr. Allan).

Bill (26) "An act to incorporate the Bankers Life Association of Canada." (Mr. Lougheed).

Bill (31) "An act to incorporate the Canadian Sick Benefit Society." (Mr. McKindsey).

Bill (39) "An act further to amend the Hamilton Provident and Loan Society Act of 1885." (Mr. McInnes, Burlington).

Bill (K) "An act to amend the Companies Act." (Mr. Kirchhoffer).

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 19th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## SALE OF OBSCENE LITERATURE.

MOTION.

Hon. Mr. BELLEROSE moved :

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before this House, copies of all judgments, correspondence and letters of record in the public departments at Ottawa, and relating to the sentencing to a fine or imprisonment, or both, at Quebec, in the province of Quebec, of one Desjardins, a bookseller, for the sale of books of an immoral and indecent character ; also, the evidence taken in the criminal court at Quebec, against the said Desjardins, in October last, and the judgment of the said court.

He said :—The answer which the hon. Premier made to my request for the prosecution of Norman Murray, of Montreal, for the sale of obscene literature there, has led to some correspondence, which has induced me to put this notice on the paper. I have received a letter from Quebec informing me that while the government at Ottawa seems determined to let the provincial authorities deal with the execution of the Criminal Code in such cases, they have taken a different course in a case which came before the courts of Quebec some months ago. I find in the Quebec *Chronicle* of the 11th of October, the following :—

COURT OF QUEEN'S BENCH,
10th October, 1894.

PRESENT : The Hon. Mr. Justice Blanchet.

The Crown was represented by J. Dunbar, Q.C., assisted by W. C. Languedoc, Q.C.

The grand jury came into court and brought in the following true bills, the Queen against Frederick Desjardins for selling obscene books. Desjardins was arraigned and pleaded not guilty. He asked permission of the Court to defend his case personally and the Crown fixed the case for Monday next.

The next day the *Chronicle* says that "Frederick Desjardins made default to answer his name when called, whereupon the court requested the issuing of a bench warrant to secure his attendance." On the 13th I find in the Court of Queen's Bench report that "Desjardins's case for selling obscene books was fixed, with the consent of the accused, for to-morrow."

The *Chronicle* of the 15th has the following report of the case :—

THE COURT OF QUEEN'S BENCH (CROWN SIDE), QUEBEC, 13th October, 1894.

PRESENT : The Hon. Mr. Justice Blanchet.

The trial of F. Desjardins for selling obscene books was then proceeded with.

The accused is charged with the sale in June last of obscene books.

The facts are briefly that in June last a young man, 18 years of age, purchased from the accused two books, one by Dr. Garnier, and the other by Emile Zola, for which he paid $2.75. Dr. Vallée, the Rev. Mr. Mathieu, Dr. Dionne, Parliamentary Librarian and Mr. Dorion, advocate, all four pronounced both books as obscene and immoral and only fit to corrupt the morals of their readers, without in any way doing anything conducive to public good.

The defendant personally cross-examined the witnesses for the Crown.

The only witness produced by the defence was the accused's sister, who swore that she owned the store, and that the accused was only her manager.

The accused addressed the jury in both languages and did it in a manner worthy of a better cause.

The presiding judge then reviewed the evidence, dwelling upon it as being very unfavourable to the accused.

The jury at 4.45 withdrew to their rooms, and returned again into the court at 5 p.m., when they brought in a verdict of guilty of both counts, with a recommendation to the mercy of the courts owing to the fact of this being the first offence under the new Criminal Code.

The court then adjourned.

In the *Chronicle* of the 20th I find the following:

The court then proceeded to pass the following sentences : * * * Frederick Desjardins convicted of selling obscene books, three months in jail on each count—in all six months.

Now, you will see in the province of Quebec they have enforced that law, and the court and jury decided that Desjardins deserved punishment. I am told—and it is the reason why I put the other question on the paper as to the date when Desjardins was released from prison—that the Governor in Council granted a release. I suppose the premier will have no objection to answering the second question to-day and save the necessity of raising it tomorrow.

Hon. Sir MACKENZIE BOWELL—There is no objection to bringing down the papers for which the hon. gentleman has moved, if there are any in the department. I am not in a position to answer the question which is on the notice paper for to-morrow. I have no recollection that the Governor-in-Council ever discharged Desjardins, but I will make inquiry and let the hon. gentleman know tomorrow.

The motion was agreed to.

## ORDNANCE LANDS IN NOVA SCOTIA AND CAPE BRETON.

INQUIRY.

Hon. Mr. POIRIER inquired of the Government—

Was any agreement ever entered into between the Imperial authorities and the Government of Nova Scotia, or the Government of the Dominion of Canada, by which the former undertook to transfer to either of the latter the ordnance lands in the possession of the former, in Nova Scotia and Cape Breton? If so, when was that agreement made, and what were the mutual conditions of it?

What ordnance lands are now in the possession of the Dominion Government in Nova Scotia and Cape Breton?

Has the Dominion Government the possession of all the ordnance lands in Nova Scotia and Cape Breton, to which it is entitled by virtue of the agreement aforesaid?

Is the Dominion Government not entitled to the possession of the site and of the old fortifications of Louisbourg?

He said : I have vainly tried to get at the bottom of this question. That is the reason why I am asking for information to-day. In the Departments of Militia and Inland Revenue, there seems to be nothing that can throw any light on this question. On the other hand I am informed that the correspondence that passed between the Imperial Government and the provinces of Canada before and since confederation—the interval between 1862 and 1872, say—were likely to be found in the Privy Council archives, to which I have not had access. I cannot see why it is that to-day the once mighty fortress of Louisbourg, which cost the Government of France between 25,000,000 and 30,000,000 of francs to build, and which cost the English almost as much to destroy, should not to-day form part of the ordnance lands, and should not belong to either Nova Scotia or the Dominion Government. From what I can find in the newspaper reports, it is from private individuals that our Boston friends, the Society of the Colonial Wars, got the site for the erection of their monument, and that site stands in one of the bastions of the old fortress itself. Now, if I understand the situation well, when it was decided by the imperial authorities to withdraw

the troops from the provinces, and subsequently from the Dominion, certain agreements were entered into between the parties interested. The imperial authorities first handed the ordnance lands and other public lands to the Government of Nova Scotia. At confederation, those lands specified in the schedule to certain Acts of Parliament, were to be handed to the Dominion Government. The site of old Louisbourg is not specifically mentioned in said Acts or schedule; but to my mind we are entitled to all the ordnance and military lands owned by the imperial authorities in Nova Scotia, whether specified or not. If so, I would suggest the propriety of getting that possession. It is not at all likely that the imperial authorities allowed those lands recalling historic events of transcendent importance, to be squatted upon by the first comer who should, after a certain number of years, by right of prescription (if such a right does exist against the government, which is doubtful) claim to have such a title as would enable him to sell those lands to foreigners or to our own people. I do not believe it. The Nova Scotia Government were first entitled to the possession of those lands, and by the several agreements that have been entered into, the Dominion Government is entitled to the possession of them now. Of course I have no documents to prove that, but I infer it from what documents I could lay my hand upon and from what Acts of Parliament are made public. If such is the case, the Dominion Government should without delay assert its possession to those old sites and to-day the old fortress of Louisbourg should be classified number A in the militia ordnance lands, such as the Annapolis old fort is. It should have been done before, but better late than never. We should preserve those relics religiously. They are memorials of the past, recalling nothing in the way of bitterness, but recalling historical events when England and France were at war and when the fortunes of war gave to England those magnificent dominions which England now holds. It is a sacred spot which we should keep possession of, because in the first place it is intrinsically quite worth while holding. In America Louisbourg and Quebec are perhaps the most important of old time fortresses. Had the Government been in possession of it we would have been spared such manifestation as were witnessed yesterday at Louisbourg. I do not mean to recriminate upon what has been done. I simply beg leave very respectfully to express my regret that the imperial navy was there and that our governor should be represented by the gentleman who unveiled the statue in his name. I believe he sent letters of regret for his non-attendance. He had a right, no doubt, to do this, but I cannot help regretting that it was done. I would call the attention of this honourable House to the fact that there is a misunderstanding somewhere. I can see by the tenor of the newspapers that most of them are deluded: people generally think that the taking of Louisbourg, which was commemorated the day before yesterday, is the taking of Louisbourg by Wolfe and Amherst, in 1758. Not at all. It was the triumph of Pepperrell that was commemorated; and that triumph was, in a certain way, repudiated by England nine years afterwards, in 1754, when Louisbourg and Cape Breton were restored back to France by the treaty of Aix-la-Chapelle. The sequel of the capture of Louisbourg, in 1758, was the taking of Quebec on the year following, and the cession to England of half a continent, which the Empire still possesses under the name of Dominion of Canada. A glorious and lasting result. The sequel of the capture of Louisbourg by Pepperrell and his "Puritan iconoclasts," as Mr. Bourinot in his *Cape Breton and its Memorials* calls them, was the immediate destruction of the peaceful Acadian settlements in Cape Breton and Prince Edward Island; and, ten years later, in 1755, the forcible expulsion of the whole Acadian race. A foul and blood-stained achievement for which to-day England stands in history responsible, but the responsible authors of which were the ancestors of those very people who came on Monday last and erected a monument to their victorious soldiers. I regret that misunderstanding. I believe if the true historical tenor of it had been properly understood that the imperial authorities would not have been represented there and that our Governor General would not have participated therein. Of course, it is done now, but remember, hon. gentlemen, that this is giving a footing to people that are not very friendly to us nor to England. They came in and they have perpetrated the first act. They will likely come again. The second celebration will recall that which was the

consequence of this capture of Louisbourg in 1745, the forcible expulsion of the Acadians in 1755, the theme of Longfellow's immortal poem, and there, no doubt, they will again find sympathisers in our land, and our Governor General, by himself or his representative, will be there again "if Cæsar but carelessly nod upon him."

Hon. Mr. ALMON—Not much.

Hon. Mr. POIRIER—When our American friends come to Nova Scotia for the third time, having already a foothold there, they will likely try and come to stay. All this, hon. gentlemen, is to be regretted. Now, it has been alleged that the spirit of that celebration was not to exult the American victors only, but also the English soldiers, and also the French soldiers. The inscription on the monument is as follows: "To commemorate the capture of Louisbourg in 1745." "Erected by the Society of Colonial Wars to our heroic dead." Mark, it is the heroic dead of the Americans. Where is the name of Commodore Warren, or of the heroic dead of the defenders? I read a letter published in several newspapers from the Hon. Everett P. Wheeler, disclaiming any idea of making it an American affair, and contending that the object was to commemorate the English and French as well as the Americans, but you see what the inscriptions on the monument are. The United Empire Loyalists of Canada some time ago called attention to the impropriety of this inscription, and suggested that something in commemoration of the bravery of the English and the French should be put on the monument. Mr. de Lery McDonald suggested that one of the faces of the monument should bear this inscription: "In memory of the gallant capture and heroic defence of Louisbourg, in 1745." The president of the asssociation afterwards wrote to the Secretary of the Society of Colonial Wars the following letter:—

188 St. Hubert Street, Montreal.
June 8th, 1895.

To the Secretary of Society of Colonial Wars at Boston:

My dear sir,—One of the members of our Council of United Empire Loyalists has just sent you a letter containing a suggestion and a copy of the memorial of our association. I earnestly beg the liberty of concurring in his suggestion, and of offering an amendment to it; not only as Mr. Macdonald says, would it be well to put on to Louisbourg monument something to commemorate the gallant defence of the Acadians, as well as the capture by the Bostonians, but would it not be well to invite the officers of the United Empire Loyalist Association, as representing Canadians of both races, to take part in the ceremonies? Sir H. G. Joly de Lotbinière, our vice-president, a fine orator, could eulogize in French the defence of Louisburg by the French.

I would further add that, if the members of your society take such a pride in the achievements of their sires under the British Empire, as to commemorate them with so much patriotism, care and expense, that it would be exceedingly gratifying to the spirits and memory of their sires if the same flag is unfurled alone to the breeze on June 17th, as that beneath which they fought and bled and gained those triumphs and renown, which your illustrious society was formed to commemorate.

I have the honour to be yours faithfully.

VISCOUNT DE FRONSAC.

No heed was taken of either of these communications. And no mention of the French nor of Old England soldiers is made on the monument. It is erected to "our heroic dead," the dead of New England, to Pepperrell's "iconoclasts." That shows that if this commemoration was not made in a hostile spirit altogether, it was not made in a spirit in which we can detect a sufficient deference to the feelings of a large portion of the people of Canada, and the right acquired by the British soldiers as to justify the demonstrations which were made there the day before yesterday. I do not say this in a spirit of recrimination; I simply mention the fact to impress upon the government the necessity of getting possession of those historic sites. if we are entitled to them, as I believe we are.

Hon. Mr. ALMON—We are much indebted to the hon. gentleman for bringing up this subject. I am afraid the possession of the historic ground in Louisbourg has passed out of our hands. It was made over to the local government before confederation, and they have disposed of a great deal of it, and I am afraid we have lost it. That will be borne out by the fact that the society for celebrating colonial wars obtained the site, on which they erected their monument, from a private individual. I do not know the inscriptions on the monument, but I hope when they commemorated the deeds of their countrymen, they mentioned the fact also that they sent in to the British Government a bill to defray the expenses of the expedition, which was accordingly paid.

I find that a medal which has been struck to commemorate this event has the face of Sir William Pepperrell upon it: that is all right. We all know that Sir William Pepperrell was a merchant and a trader and that he organized the expedition and conducted it to a successful issue. When they see his face upon the medal they should remember that a little more than thirty years after the capture of Louisbourg, his son the second baronet was banished from his native land with the notice that if he returned he should be put to death, and that the property he inherited from his father and what he had gained by his own industry, was confiscated, and henceforth he lived on the bounty of his sovereign against whom he refused to take up arms. When we have tears for the Huguenots who were driven out of France by the revocation of the edict of Nantes, when we feel for the calamities of the Acadians who were turned out of their homes, we must have a feeling of sympathy for the Loyalists who were driven out of the United States by the ancestors of those men who have erected a monument in our country. The New Englanders were always religious men; do they recollect the saying in Matthew where Christ describes the Pharisees—"Woe unto you Scribes, Pharisees, hyprocrites, for you build the tombs of the prophets whom your fathers have slain and garnish their sepulchres." And again in Luke, "Woe unto you who build the tombs of the prophets whom your fathers have slain." I think those verses are very appropriate, and I trust our United States friends, if they have not left their bibles at home, will consult them and see whether they do not apply very strongly to their own case. I think they do. I am afraid we have lost possession of the historic grounds at Louisbourg, but still we have some other historic sites, amongst them the old fort at Annapolis. I am tired bringing this matter before the Senate, and I suppose the Senate is tired hearing about it. More than once the predecessors of the present leader of the House promised me that the old fort should be preserved. The Bible says "put not your trust in princes;" I say, put not your faith in Ministers. There was a promise made that something would be done to save the old fort from destruction. When I first spoke of it, there was an old block house there which had withstood two sieges, one when captured by Nicholson and again when defended by Massessin against the Indians commanded by the warrior priest de Loutre. One very cold winter a man by the name of Hall, at Annapolis, wanted fuel and he wrote the colonel of engineers at Halifax, from whom he had rented the place, stating that the old block house was in a very dilapidated condition, and would fall down and kill some person, and he got permission to convert it into fuel. So far from it being in a dilapidated condition, he had to tear it down with oxen. It was removed after I had received the solemn assurance of the leader of this House at that day, that the fort should be looked after. Within the last two or three months a store has been built on the old site. I communicated with the Minister of Militia on the subject, and he said it never should have been put there and should be removed. There is a cobbler shop built on the place; the cobbler is dead, but the building cannot be removed I fear from long possession. The only building indicating the French possession are the bomb-proof and the sally-port, but some geologist having discovered the interesting fact that the arch of this is built of Caen stone, our United States visitors come along with hammers and break it up and they are carrying it away piecemeal. The officers' quarters connected with the fort still remain, but they were not in existence during the French occupation and there is no antiquity about them, thought I remember them 70 years ago. The only engagement they ever witnessed were in the ball-room, and where there are ball-rooms there are likely to be engagements, but they do not commemorate the capture of fortresses. I have suggested before, and I now repeat the suggestion, that the old fort and the land connected with it at Annapolis, should be handed over to the town authorities at Annapolis to be used as a public ground, on condition that nothing should be done to interfere with the shape of the fortification, or the sally port. That, I have no doubt, the people of Annapolis would be happy to do. It must not be imagined that I look upon our visitors from the United States as vandals; but when they see an old monument they like to carry it off, piecemeal if necessary. Anybody who has read the "Innocents Abroad," by Mark Twain, will remember his description of the trip of some 200 tourists through the Mediterranean

and the Holy Land. He says the brethren went to the chapel at Nazareth, but there is no chapel there now, each of the brethren having carried away a stone. They do the same thing now whenever they visit any historic place. At one time block houses were common all over Nova Scotia, but they are all gone but the one at Windsor. There was one at Lunenburg, but that is gone. One at Windsor has escaped, but we do not deserve much credit for the care we have taken of that one. I would suggest that the land there, which is of no use to the government, should be given to the people of Windsor on condition that they will preserve the fort as it is now. I once visited the fort at Annapolis with the gentleman who first had charge of the military school at Kingston. He went over it with me, and he said it was one of the most perfect specimens he had ever seen of the fortifications of the time of Louis XIV. There is another fort at Cumberland. The approaches made by the British army during their attack are still to be seen, and a number of the buildings inside of the place are still standing. The cannon were sold by the government, of which the hon. member from Ottawa was a member, and the metal converted into stoves and grates, many of which are now in the houses in the county of Cumberland, but I will not reproach them, as under the government of which I am a supporter, the block house at Annapolis was demolished, so honours, or rather dishonours, are easy.

Hon. Mr. KAULBACH—As far as Lunenburg is concerned we have two block houses which show the importance of the place with extensive earth works and some old guns. In 1863 I was a member of the local legislature and was very anxious to have lighthouses erected at the mouth of the harbour on ordnance lands at at Battery Point. I had some trouble getting it. At that time I believe no ordinance lands had been transferred to the province. A long correspondence had to take place between the Imperial Government and the Government of Nova Scotia before we could get possession of the land. It was then under lease at a nominal rent. There was then a dilapidated block house and some dismantled guns on the ground. Whether the property was transferred to the local government or permission was given to erect the lighthouse I cannot say, but there was some power by which the local government of Nova Scotia got from the imperial government the right to erect a lighthouse on this very ordnance land, but this was only conceded as a permissive right by the imperial authorities subject to removal at any time if an obstruction to defence or military requirements.

Hon. Mr. SCOTT—I have not seen the inscription on this monument, but while the hon. gentleman from Shediac was speaking, I happened to read a report of the unveiling of the monument, and from the speeches I was in doubt as to whether the monument was erected to the memory of the Acadians or of the colonists. Certainly the speeches breathe the most generous and chivalrous spirit in honour of both parties. I shall just read one or two extracts for the consolation of my hon. friend. I find in the address of Frederick J. DePoyser, the governor general of the society, the following:

> While referring to the valour and courage displayed by the New England forces and the aid rendered by the British fleet, it paid a just tribute to the brave and chivalrous French defenders of the fortress.

Then I find in the report of the address delivered by the Hon. Everett Pepperrell Wheeler, a descendant of Sir William Pepperrell, the following:

> It commemorated the heroic courage of the defenders, of Louisbourg as well as the prowess of their victorious assailants.

Then, on behalf of the Nova Scotia Historical Society, Dr. Mackay, is reported as follows:—

> He also paid a warm tribute to the chivalry of our French-Canadian fellow-citizens and referred to the high place they occupy in the politics, commerce, history and literature of Canada.

It is some consolation to know that they availed themselves of the opportunity to speak quite as highly of the defenders of the fortress as of the victorious assailants.

Hon. Sir MACKENZIE BOWELL—I shall endeavour to answer the question put by the hon. gentleman as fully as possible, in order that there may be a record in our Debates of the properties which we own in the maritime provinces and which are known as ordnance lands.

1. The correspondence between the Imperial government and the government respecting the ordnance lands in the province of Nova Scotia culminated in the Imperial Order in Council of the 18th August, 1882, which vested in the Governor General of Canada certain fortifications and lands in the provinces of Nova Scotia and Prince Edward Island.

2. The military properties taken over by the department of Militia and Defence from the imperial authorities in 1883, under the imperial order in Council of 18th August, 1882, Nova Scotia, are :

| Local Name of Property. | Approximate Area. | | |
|---|---|---|---|
| | A. | B. | P. |
| Chester—Mliitary Reserve | 3 | — | — |
| Lunenburg—Jesson's Point | 2 | — | — |
| do Blockhouse Hill | 1 | — | — |
| Liverpool—Battery Point | — | — | 8½ |
| do do | — | 2 | 6½ |
| Shelburne—Hart's Point | 636 | — | — |
| do Burnt Head | 120 | — | — |
| do Carleton Point | 163 | — | |
| do Barrack House | 200 | — | — |
| do Harbour, Navy and Commissary Islands | 27 | 3 | — |
| do Sandy Head | 112 | — | — |
| Yarmouth—Cape Forchu | 8 | 3 | 25 |
| Digby—Blockhouse Lot | 1 | — | — |
| do Site of Queen's Battery | — | — | 25 |
| do Raquette Point | 13 | — | — |
| do Prince Regent's Battery. | 1 | — | — |
| do or Annapolis Gut; Duke of York's Battery and land adjacent | — | — | — |
| Annapolis—Engineer and water lots. | — | — | 30 |
| do Fort Anne | 31 | 1 | 3 |
| do Digby Cut Reserve | 150 | — | — |
| Guysboro'—Fort Point | 3 | 2 | — |
| do Fort | 7 | 3 | — |
| do do | 11 | 3 | — |
| Sydney, C.B.—8 lots | 33 | — | — |
| do Chapel Point lot | 4 | 1 | 20 |
| do Flagstaff Point, blockhouse, lot, garden, &c. | 2 | 1 | 7 |
| do Point Edward | 10 | — | — |
| Shelburne—Stokes Head | 241 | — | — |
| do McNutt's Island | 11 | 2 | — |
| do do | 23 | — | — |
| Pictou—Site of Battery | — | 2 | 4 |

In addition to the lands above enumerated are Battery Point, in Shelburne county, about two acres in extent, which was transferred by the Militia Department to the Department of the Interior on the 28th of May, 1894. It should also be mentioned in this relation that the naval reserves in Shelburne Harbour, consisting of islands 1, 2, 3, 4 and 5 and Commissary Island were transferred by the Militia Department to the Department of the Interior on the 4th November, 1876.

3. The Dominion Government would appear to be in possession of all the ordnance lands in Nova Scotia and Cape Breton which had been transferred by the imperial authorities.

4. The site of the old fortifications at Louisbourg is not included in the list attached to the said order in council.

There is nothing to show that the site of those fortifications has ever been transferred to the Dominion government. I may mention, in connection with this, that it is the practice of the Militia Department, whenever lands are not considered necessary for military purposes, to transfer them to the Department of the Interior, which department disposes of them sometimes by auction, or uses them for any purposes for which they may be required. There may be some force in the statement made by the junior member for Halifax that he was under the impression that some lands at Louisbourg had been transferred to the government of Nova Scotia. If so, there is no record in the departments of that fact. The transfer of the different lots which I have already enumerated was made by the imperial order in council, and it may possibly be that the property in Louisbourg was not included in that order in council, for the reason assigned by the junior member for Halifax. I have taken the trouble to make this information as full and as explicit as possible, in order that it may be on record hereafter for any hon. gentleman who is desirous of ascertaining what ordnance property is in the possession of the Dominion Government. I shall not enter into a discussion of the questions raised by the gentlemen who have spoken, further than to add, as to the remarks made by the leader of the opposition, that my reading of the accounts of the unveiling of this monument impressed me in the same manner as the hon. member. Due praise has been given to those who defended, as well as to those who captured the fortress. It must be borne in mind, however, that when that expedition was sent to capture Louisbourg, the American colonies were British colonies and the colonial soldiers were as much British subjects at that time as we are to-day.

Hon. Mr. ALMON—And the money was defrayed out of the imperial treasury that paid their expenses.

Hon. Sir MACKENZIE BOWELL—I am coming to that afterwards. They raised the money, if my recollection of the historical events is correct, by subscription, which was subsequently, as the hon. gentleman says, refunded after the capture by these colonies, and the leader was knighted for his heroism in connection with that battle, There is nothing, however, in all the literature that I have read in connection with this question, that casts reflection upon those who defended the fortress. On the contrary, they are spoken of as brave men, who defended it to their utmost, until the British navy appeared in the harbour, and then they saw it was useless to continue the defence and surrendered. That, I believe, is an epitome of that battle. I will say, before I sit down, that I am fully in accord with the remarks made by the junior member for Halifax, in reference not only to the preservation, but, if you please, to the restoration of all old fortresses which mark in Canada, the different spots where many of our forefathers laid down their lives. I think it is one of the incentives to the youth of this country. It tends to nationalize our people to have these monuments erected. I am not aware what promises were made in reference to the Annapolis forts, but I hope that the hon. gentleman may in the future have cause to believe that the promises of Ministers are carried out. However, you know there is a portion of scripture that speaks of a person being denominated as the importunate widow. Well, I would not like to speak of my hon. friend as importunate, but he evidently intends to pursue the same course as the importunate widow, until he obtains what he wants. He never intends to allow the princes to sit comfortably upon their seats, and I commend him for it, and I hope he will keep at it until he compels whatever government is in power to reserve to the memory of our children that which indicates the heroism of our forefathers.

Hon. Mr. ALMON—I am an old man and have not much time to wait ; so you had better hurry it up.

Hon. Sir MACKENZIE BOWELL—I did not make the promises.

Hon. Mr. POWER—With respect to the question of the title to the property to which the leader has referred it seems to me the hon. gentleman from Richmond, or the hon. member from Cape Breton, would probably know something about it : After the fortress was razed I should fancy the site of the fortress was treated as other government lands were.

Hon. Mr. McDONALD (C. B.)—There seems to be an impression in Cape Breton that there is some land in Louisbourg which belongs to the navy, or which is for the use of the navy. I do not know why the record does not appear in the paper the premier has just read. It may be accounted for in this way, that when the title of the old province of Cape Breton was transferred to Nova Scotia, in 1820—because, you must remember Cape Breton was a province of its own until 1820—the records of the lands belonging to the navy and other lands may have been lost. There is no doubt the impression prevails in Cape Breton that there is a tract of land therefor the use of the navy.

## NOVA SCOTIA STEEL COMPANY'S BILL.

### THIRD READING.

Hon. Mr. POWER moved the third reading of Bill (56) "An Act to amend the Act to incorporate the Nova Scotia Steel Company (Limited)."

Hon. Mr. ALMON—I think this is the most outrageous and tyrannical bill that was ever passed in the House, and if my hon. friend thinks that I was wrong about the facts, as I state them, I wish he would put me right, and he can answer my conclusions afterwards. I will explain the position of the matter. There were two companies in New Glasgow, one the steel company, and the other called the iron company. This steel company was paying 8 per cent interest and was in existence some eight years, and was entirely out of debt. The other had been in existence for some years, and had not paid a sixpence in dividends. It was over head and ears in debt, and, as was stated before the committee of the Comm ns, it had already borrowed 60 per cent of the capital from the Union Bank of Halifax, of which Mr. Stairs, senior, is president. The other was a smaller company, and the parties who had shares in the iron

company bought the controlling interest in the steel company, and decided that the two should be amalgamated. A number of the members of the steel company protested when they applied for the amalgamation in the local House, but they were outvoted, and one of them came here and appeared before the committee of the Commons, to protest against the legislation, but being taken ill, was obliged to return to Halifax. Mr. Fraser, M.P., who was acting for the iron company before the committee of the Senate, said that it was a very fair agreement, and that it was just and did not injure the other parties. Then a gentleman who owned shares in the steel company had sent a telegram to me offering to sell his shares at par with the interest for the time the shares were taken away from him. Mr. Fraser said "Now, if you do that, the others will be coming in, and we will have to treat them likewise." If it was a fair arrangement, why did the stock depreciate so, and why did Mr. Fraser laugh at the idea of the other man getting par for his shares? I shall not put this to a vote, but I simply make the statement in order that in future days it may be said that there was one man in the Senate that desired to protect the rights of these people. Another thing, this company wanted to borrow from a Halifax society $600,000. If these are not facts, the senior member should deny them. I think we are passing an unjust measure which will reflect no credit on the House.

Hon. Mr. POWER.—When the bill was read the second time, I called attention to the fact that there were some persons dissatisfied, and I stated that those persons would have an opportunity to be heard before the Committee on Banking and Commerce. The committee held two meetings, at each of which there was ample opportunity for my hon. colleague and any others who had any fault to find with the terms of the bill to appear and be heard.

Hon. Mr. MILLER—And no division was taken in the committee.

Hon. Mr. POWER—It seems to me, under these circumstances, that the hon. gentleman is not taking the most admirable course in allowing the bill to pass the committee, and then coming here and attacking it on the third reading, and using such very strong language in respect to it. I am not responsible for the bill in any shape or way, but it has been reported by the committee with an important amendment, and there was no attempt before the committee to have any other amendment made. I think it would be dealing very hard measure out to these promoters if the bill were not allowed to pass its final stage.

Hon. Mr. ALLAN—In defence of the committee who reported on this bill, I should like to say that it was most fully and carefully considered by them. Representations were made to me as chairman of the committee, that some of the shareholders of one of the companies were very much opposed to the bill, and I stated to the committee that such was the case and what their objections were. No one, however, appeared before the committee to substantiate these or to oppose the bill at either of the meetings, although ample notice was given of the meetings. Satisfactory evidence was produced on the part of the promoters of the bill that the resolution authorizing the sale and the indenture of agreement relating thereto, had been regularly passed by a very large majority of the shareholders. The indenture of agreement was laid before the committee, and was ordered to be added as a schedule to the bill, and the committee could take no other cause than they did in reporting the bill to the House.

Hon. Mr. MILLER—My impression is similar to that of the hon. gentleman who has resumed his seat. There were some exceptions taken before the committee, but I thought all the objections had been satisfied. Every suggestion made for the amendment of the bill was consented to by the committee, and the satisfaction with the bill appeared to be such, that not a single division was taken while the bill was under our consideration, and only a few amendments were made. With regard to the objections, they were only on behalf of two individuals who held a very insignificant amount of stock in comparison with the majority who were in favour of the bill, and the committe considered it was a matter that had been settled to the satisfaction of all the parties.

Hon. Mr. KAULBACH—The discontents were one-third of 1 per cent, as I am informed, of the company that amalgamated with

this company that were not satisfied with the terms of the bill, or the transfer—that fact refutes the charges of fraud or injustice.

The motion was agreed to and the bill was read a third time and passed.

## THIRD READING.

Bill (7) "An Act further to amend the 10th chapter of the Consolidated Statutes for Lower Canada respecting seditious and unlawful Associations and Oaths. (Mr. McInnes, Burlington.)

## PENITENTIARY ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (K) "An act further to amend the Penitentiary Act." He said:—The Revised Statutes create in the Depart ment of Justice an officer who is called the accountant of penitentiaries. The intention of the first clause of the bill is to do away with this officer and to vest the duties of the office upon the inspector or any other person in the departments whom the Governor in Council may appoint. Under the present system this accountant of penitentiaries is entrusted with verifying and auditing the accounts kept in the different penitentiaries in the Dominion. For that purpose he has to travel there. The inspector has to perform the same duty, and has also to travel there, and it is thought that the department can economize and save the salary of the officer and the expenses of travelling there by entrusting the duties to the inspector. The second clause submitted for the consideration of this House is to provide for the removing of insane convicts into asylums. Under the present law it is required that a ward, or a portion of the building, be set aside for the purpose of keeping convicts who become insane. It is believed advisable that, instead of doing so, they should be entrusted to the care of the penitentiary asylums in the different provinces after agreement made between the government and the local authorities. That is the object of the other clause.

Hon. Mr. POWER—With respect to the first clause of the bill, inasmuch as it proposes to make a saving, of course it will be a desirable thing, provided the inspector is also a reliable and competent accountant—a thing which I presume the government will see for themselves. There have been inspectors who probably would not have been very satisfactory accountants.

The motion was agreed to.

Hon. Mr. KAULBACH—I do not see anything in this section as to which of the asylums the parties shall be transferred to. The party, say from Nova Scotia, convicted of a crime may be sent to Kingston, as such convicts are when nearer penitentiaries are overcrowded, and it is thought a better place for minor offences than the common jail. Would it not be better if they were sent to the insane asylum in the district in which they belong, because they would be the natural charge upon that province when the term of imprisonment expires and be nearer to friends and relatives.

Hon. Mr. ANGERS—The province is to be paid for the keeping of the insane.

Hon. Mr. KAULBACH—Should they not be sent to the asylum within the province from which they come, so that their friends could look after them? I can see sufficent reason why the alteratian should not be made.

Hon. Mr. ANGERS—No, they should be sent to the asylum nearest to the penitentiary where they are confined.

Hon. Mr. KAULBACH—It does not say so.

Hon. Mr. ANGERS—Good administration would require that.

Hon. Mr. KAULBACH—A party may be partly sane and his friends would like to see him and not have him banished for life. so to speak.

Hon. Mr. ANGERS—You may be able to make a bargain with one province and not with another as to the keeping of the insane. Therefore I think it is better to leave it as it is.

Hon. Mr. POWER—There is this to be said in favour of the suggestion of the hon. member from Lunenburg that in the lower provinces the penitentiary is situated at Moncton, which is in the province of New Brunswick. Under the provisions of this

clause I presume that any insane convict who came from Prince Edward Island or from Nova Scotia would be sent to the insane asylum in New Brunswick instead of to one in his own province.

Hon. Mr. ANGERS—He might.

Hon. Mr. POWER—Does not the hon. gentleman think that a very undesirable thing?

Hon. Mr. ANGERS—Why?

Hon. Mr. POWER—Because this insane person is taken away from the reach of his relations altogether.

Hon. Mr. ANGERS—I do not know that he should be accessible to his friends. Recollect that he is a convict, and if he is sent to an asylum which is close to his relations we might just as well let him go at large.

Hon. Mr. KAULBACH—Suppose he is put in the penitentiary for two years and becomes permanently insane, he remains in the asylum wherever he is put. Can he be taken from there?

Hon. Mr. ANGERS—Certainly. The law provides that at the expiration of his term he shall be removed and then he falls under the charge of his relations or province. We cannot keep him there longer than the term for which he is sentenced.

The clause was agreed to.

Hon. Mr. MacINNES (Burlington), from the committee, reported the bill without amendment.

## SECOND READINGS.

Bill (K) "An Act to amend the Companies Act."—(Mr. Allan in the absence of Mr. Kirchhoffer.)

Bill (39) "An Act further to amend the Hamilton Provident and Loan Society's Act of 1885."—(Mr. MacInnes, Burlington.)

## WINDSOR AND ANNAPOLIS RAILWAY COMPANY'S BILL.

### SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (49) "An Act respecting the Windsor and Annapolis Railway Company, Limited." He said:—We passed some legislation last year to authorize the Windsor and Annapolis Railway Company, Limited, to purchase the Western Counties Railway. The Windsor and Annapolis Railway Company have worked, since the establishment of the company in 1865 or 1866, under the provisions of the English Companies Act of 1862. Very considerable inconvenience has arisen from the company's operating under that Act, and a bill has been introduced on their behalf to authorize them to work under a Dominion charter instead of the English Companies Act. There are two bills which are supposed to go side by side. This bill authorizes the Windsor and Annapolis Railway Company, Limited, to transfer everything to this new company to be incorporated by the companion bill and the companion bill, which is probably on the Speaker's desk now, is intended to give this Dominion charter to the new company. The two bills, I presume, will be considered by the Railway Committee at the same time.

The motion was agreed to, and the bill was read the second time.

## BILLS INTRODUCED.

Bill (97) "An Act respecting the Clifton Suspension Bridge Company."—(Mr. Lougheed.)

Bill (60) "An Act respecting the St. Catharines and Niagara Central Railway Company, and to change the name of the company to the Niagara, Hamilton and Pacific Railway Company."–(Mr. Lougheed.)

Bill (62) "An Act respecting the Buffalo and Fort Erie Bridge Company."—(Mr. Lougheed.)

Bill (77) "An Act to amend the Act to incorporate the St. Clair and Erie Ship Canal Company."—(Mr. Vidal.)

Bill (87) "An Act to incoporate the James Bay Railway Company."—(Mr. McMillan.)

The Senate then adjourned.

## THE SENATE.

*Ottawa, Thursday, 20th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## GILMOUR AND HUGHSON BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (79) "An Act to incorporate Gilmour and Hughson Limited," with amendments. He said:—The amendment which was added is a clause which is to be found in several Acts of incorporation on the statute-book now, and those parties desire to have this introduced to give them power to dispose of, or sell, their business if they desire to do so. That is the only amendment.

Hon. Mr. CLEMOW moved that the amendments be concurred in.

The motion was agreed to.

## SECOND READING.

Bill (I) "An Act for the relief of Julia Ethel Chute."—(Mr. Clemow).

## UNION WITH NEWFOUNDLAND.

A SUGGESTION.

Hon. Mr. WARK rose—

To call attention to the unsuccessful negotiations with the colony of Newfoundland, and suggest whether it might not be advisable to open a correspondence with the Imperial Government, and propose such joint assistance in that colony as would enable it to enterthis Dominion, unembarrassed by financial difficulties.

He said :—The subject which I am about to bring before the House is one which has attracted a great deal of attention of late, and it is a very important one and deserves attention. I regret that the negotiations which were carried on between our government and the delegates from Newfoundland did not succeed. I suppose our government felt, looking at the precedents and the care which had been exercised in admitting other colonies, that they could not go further than they did, and I think both Conservatives and Liberals were of the same opinion. It is a great pity, however, that the negotiations should fall through. It is of very great importance that the whole of Her Majesty's dominions in British North America should be under one government and I think we ought to strain a point on behalf of Newfoundland, I regret that we have not the latest documents from the island. The latest we have in our Library are the proceedings in 1891—that was the year of the great fire which almost desolated the capital of Newfoundland. We never sufficiently realized the extent of that calamity, but the governor, in calling a special session of the legislature, stated in a few words what the extent of it was. Here are the words of his speech at the opening of the session :

On the 8th day of July an irresistible and awful conflagration completely destroyed nearly two-thirds of this city, the capital of the colony and the centre of its trade, and rendered homeless more than eleven thousand of its inhabitants. The destruction of the property occasioned by the fire of the 9th June, 1846, is far exceeded by the recent calamity. The former did not extend over so great an area or involve a loss of so many public buildings and valuable mercantile premises. To-day complete desolation marks the site of the wealthiest and principal portion of our city. The courts of justice, the customs-house, one cathedral, three churches, five public schools, and ten public halls, together with 3,000 dwelling houses and stores have been totally destroyed. Forest fires have also occasioned much loss and suffering in other parts of the colony, and have intensified the gloom which now surrounds us.

This was a very discouraging state of things, and it might have been expected to cast a great damper upon the energies of those people, but so diligently did they apply themselves to their various pursuits, that instead of a great falling off in their exports that year, they actually exceeded the exports of any of the three previous years by quite a large amount. Their exports the previous year had amounted to $6,099,686. In 1891, the year of their calamity, their exports amounted to $7,437,128, showing an increase of $1,334,747, which speaks very favourably for the energy and industry of the people. Newfoundland is very differently situated from any of the provinces of Canada and in seeking a union that should never be lost sight of. They draw their wealth chiefly from the ocean. Here is a memorandum of the result of their labours that year. When they use the word "fish" they mean codfish, and they speak of the other fish by name. The fish that year which they cured and shipped away amounted

to $5,110,567; the seal-oil and seal-skins, to $780,807; the preserved lobsters to $429,681; herring, fresh and pickled, $223,491, and salmon fresh and pickled and preserved was $102,000. Thus they exported fish to the value of $6,637,552. Formerly their only export was fish, but I find they are beginning to develop the forests. They exported $1,712,000 worth of lumber chiefly to the mother country and the West Indies. They also exported to the mother country $624,750 worth of the products of the mines, but with the exception of these two items their whole exports are fish. Now I have shown you where they draw their wealth from. Here is a statement of where they sell their products. To France very little, only $17,026. To Italy they send $450,047, while they buy only $92,058. To Spain they send $718,591, and buy from them only $104,708. To Portugal, one of their largest customers, they sell $1,051,830, and buy only $37,000, from them. Germany $23,427; they buy nothing there. The Spanish West Indies $56,491, and they only purchase $20 worth from them in return. Then Brazil $1,102,995, and they buy nothing from them. They sell a little to St. Pierre, and sell $29,678 to Greece but they buy nothing there. You will see, therefore, their exports to those foreign countries amount to $4,083,865, and they buy from them only $476,018 worth, so that the very large balance which remains must come greatly to Canada, if Newfoundland is to become one of the provinces of this Dominion. I have been speaking of their exports; it is with their imports that we are chiefly interested. These amounted in that year to $6,869,458. Of these they purchased from the United Kingdom $2,341,706; from the Dominion of Canada $2,499,945; from United States $1,526,674, in all $6,368,325 out of an import of $6,869,458. So you see a great part of their imports is from these three countries. With the duties in Newfoundland removed from the produce of Canada, and the Canadian tariff extended to Newfoundland, no doubt the whole, or the most, of the import trade of Newfoundland from the United States would be turned over to Canada, and I suppose they would spend in Canada, out of their exports, not less than between $4,000,000 and $5,000,000 of cash, besides what they purchase from us.

In considering the terms on which Newfoundland should be admitted, one question which deserves full consideration is, how much of the proceeds of the exports of any province in the Dominion are spent in other provinces. That is a question that we cannot easily trace, but we all know, each from his own experience, how little the people of one province sell in any of the other provinces. The proceeds of their exports are chiefly expended among their own people. I know it is the case in New Brunswick and I know that very little of the proceeds of our exports are spent anywhere outside of our province except what we require to carry on our lumbering operations. As for Nova Scotia I do not know where they spend anything in New Brunswick; if they do, it is very little—it is spent at home. Our money is spent among our farmers and manufacturers, but this cannot be the case with Newfoundland. They cannot fall back on the products of their agriculture—they have none. Their harvest is drawn from the ocean. Nor have they manufactures to any great extent, and consequently, the whole of the proceeds nearly of their exports must be spent, if they come into this Dominion among the other provinces. If we have a cash customer coming in who is prepared to spend four millions of dollars, we ought to extend just the same terms to that customer that any respectable merchant will to a person who buys largely from him. Customers may drop in and buy one or two or four dollars worth, of goods and no discount is allowed, but let a customer come in and purchase $100 worth, and the merchant, if he follows the course that most merchants do, will deduct 5 per cent from the $100 and when he receives his $95 he will feel that that man is a better customer than the others. We ought to extend the same civility or justice to Newfoundland. If they can spend four millions of dollars cash with us, we could well afford to take off five per cent and that would be $200,000, and that would be a means by which the government could escape from their present difficulty. It would be returning to Newfoundland simply what, I might say, we have not a right to take. If our government would go to the Imperial government and say to them "Newfounland cannot come into the Dominion unless we unite and pay off her debts," that would involve $5,000,000, only £1,000,000 sterling, a small matter to talk about in England. At three per cent it is only £30,000. By this transaction, we get the whole control of the

fisheries. We ought to remember what a dilemma we would have been in if Her Majesty's Imperial government had consented to the Bond-Blaine treaty. What would have been the value of our fisheries then had that treaty be ratified? Our getting control of the whole of the fisheries would certainly have a money value, and a very large money value. With Newfoundland brought in, and the fisheries all under the control of this parliament—and that is what I want to see —with the laws of Canada extending over the whole of this portion of the Empire, with the government of Canada having the sole charge of protecting the fisheries and legislating for them, I think that every one would say there would be a money value in this. We would then have the key of the door of the Gulf of St. Lawrence. We would have both the entrances under our control, and the gulf, would, in fact, be a Canadian lake. What would the Imperial government gain by such an arrangement? They are willing to take over Newfoundland as a Crown colony. Reflect a little on that question! They would first have to assume the debt of Newfoundland, the management of it, the payment of the interest on it; they would have to finish the railway; they would have to legislate and to regulate everything connected with their fisheries, and protect the fisheries. They would have to undertake to pay all the public officers, judges and other officials, and they would have to raise the money for that purpose by taxation on the people of Newfoundland who would not be represented in the body that imposed the taxes. I think when they consider all this, if they got clear of the difficulty by joining with Canada and agreeing to assume a portion of the debt of Newfoundland—I am not going to suggest how the debt should be divided, that would be a matter of negotiation—but at any rate, if they assume a portion of the debt they would relieve themselves of the responsibility which they would have to undertake to govern Newfoundland as a Crown colony. I did not give notice of putting a question to the government, because I would like them to hear the opinions that I hope will be expressed by the House generally and then make up their minds. If I had put a question they would have had to prepare an answer before they heard the opinions of this House, and that would be like trying and sentencing a man without any evidence. I hope, therefore, that, from the maritime provinces especially, we will have a very decided expression of opinion on the subject. The business which they do now in Newfoundland is a very respectable business. In fact they furnish that colony with all the horses, sheep, cattle, swine, hay, oats, potatoes and other roots that they require—everything goes from Nova Scotia, Prince Edward Island and New Brunswick. Nova Scotia furnishes the largest share—$810,214 worth, but Prince Edward Island, does well; it sends $144,729 worth to the Newfoundland market and that trade would double if Newfoundland comes into the Dominion. Of course, Quebec gets the lion's share; that is no doubt through the shipments from Montreal, the manufactures of various kinds and of flour required in Newfoundland. They send now of flour and of the produce of their manufactures, $1,355,-862 worth. Ontario sends only $166,000 worth, because its exports go to Montreal or Quebec. I leave the question with the House, and leave the government to make up their minds when they hear the opinions of the House on the subject.

Hon. Mr. SCOTT—I am sure that all the members of this House must be gratified by the excellent speech that we have heard from the hon. member who has just sat down, and that we fully appreciate the valuable points that he has brought to the notice of the government—with one in particular which referred to the value of Newfoundland as a purchasing part of the Dominion. I think he is very just in his conclusion when he says that no province in the Dominion buys as much from all the other provinces as Newfoundland would buy from the other provinces of the Dominion if it were within the confederation. That is perfectly apparent when one reflects upon the situation. Newfoundland would buy all her food supply, outside of the fisheries, and would buy from manufacturers in every part of the Dominion. The hon. gentleman also drew attention to another strong point, that owing to the peculiar situation of Newfoundland, if it were allowed to drift into an alliance with a foreign power, necessarily the Canadian fisheries would be very much diminished in value. Any gentleman who gives attention to that view must readily acquiesce in the conclusion reached by the hon. member, and I think he might have gone further

and shown that it was perhaps somewhat due to Newfoundland that we Canadians should give to her a larger share of consideration, inasmuch as we frustrated the treaty that, at least in the opinion of the people of Newfoundland, would have materially added to their commercial welfare. I allude to the Bond treaty which would have been completed with the United States if it had not been for the intervention of Canada. It was considered at the time, and no doubt correctly, that our interests were so intimately concerned in that question that had Newfoundland completed that treaty with the United States, we should have been at a serious disadvantage. The statements of the hon. gentleman are worthy of great consideration and I have no doubt that they will receive the earnest attention of the government if these negotiations have to be re opened.

Hon. Mr. PROWSE—Coming from one of the maritime provinces which has done considerable trade with Newfoundland, I have a great deal of sympathy with the remarks which have fallen from the hon. gentleman from Fredericton. It appears to me that we are in the dividing of the ways, as it were, between Canada and Newfoundland at the present time, and unless some extra efforts are made to bring about the union of that province with the rest of Canada, the longer it is delayed the more difficult it will be to accomplish that end. I know that there has been already a little friction between Newfoundland and Canada in reference to trade relations—the efforts that they have made, which have been already referred to in the direction of establishing closer trade relations with the United States. The interference of Canada has caused in Newfoundland somewhat of a bitter feeling towards us, and it would be well for us to consider, as a people, whether it is not wise to endeavour, as far as possible, to conciliate the people of Newfoundland and induce them to come into the union. In my opinion a few thousand dollars, or possibly a few million dollars, is only a small consideration compared with the great advantage it will be to Canada for all time to come to have that important province a part of the confederacy. It lies just at the entrance of the Gulf of St. Lawrence, and if any trouble should arise between England and other foreign powers, it will be of the utmost importance to the British Empire, and especially to Canada, to have control of that province. So far as the financial part of the terms of union is concerned, the history of Prince Edward Island and of Canada must show that it does not matter very much what terms you make with Newfoundland. Time will regulate these matters and bring about a satisfactory arrangement before very long. If you grant what you consider to-day exorbitant terms to Newfoundland, in 20 years time the probability is that you will find Newfoundland complaining that she is not getting fair play with the rest of Canada as I think we have already shown in this House that has been the case with Prince Edward Island, although when she was admitted into the Dominion the terms of union were considered fair, just and liberal. After 20 years' experience, it has been found that large expenditures of public moneys in Ontario and Quebec and the North-west have largely over-balanced the expenditures which have been made in the smaller provinces, and so it will be in regard to Newfoundland. We know that for many years to come large expenditures of money must be made, not only in the North-west and British Columbia, but also in Ontario and Quebec. Agitation is going on all the time for the expenditure of large amounts of money for the improvement of canals, extension of railways and matters of that kind, which will continue to grow, and if we extend to Newfoundland to-day terms which we consider more than liberal and just to that province the time is not far distant when circumstances will occur which will regulate and equalize the expenditure for that province with the rest of the Dominion. Perhaps there is no province in Canada that the union with Newfoundland will benefit more than Prince Edward Island. You are aware that Prince Edward Island is largely an agricultural province. We do considerable fishing at the same time, but a large amount of our agricultural produce now finds an outlet in the Newfoundland market. If she were admitted into the confederacy the duties which are now imposed on our produce in that country would be taken off and the result would be to increase our exports to that country very materially indeed. The flour imports into Newfoundland come largely from the United States; if confederation takes place with Newfoundland her imports of flour would almost wholly be from

Canada. A very good argument has been used by the introducer of this question in reference to the value of Newfoundland as a cash customer. The argument has a feature which I have not heard expressed before, but it carries a great deal of force with it when we know that purchases made by Newfoundland will be purchases made for cash. It will be giving Canada a cash customer. The exports from Canada to Newfoundland for the year ending June, 1894, amounted to $2,494,605. The exports from Canada to all other dependencies of the British Empire, not including the British Islands, were $2,765,948 showing that Canada supplied Newfoundland in 1894 with nearly as much goods as she supplied to all the other dependencies of the Empire. The exports of Canada to all the other nations of the world excepting Britain and the United States amount to $5,460,652; the exports of Canada to Newfoundland amount to nearly half of that sum, showing that our trade with Newfoundland is worth one-half as much as the trade of all the rest of the world together excepting Great Britain and the United States. The exports from Prince Edward Island to Great Britain amounted to $283,-208; from Prince Edward Island to Newfoundland $144,729, showing exports from Prince Edward Island to Newfoundland were more than one-half of the exports from Prince Edward Island to Great Britain. The imports from the United Kingdom into Newfoundland amount to $2,174,524; from Canada, $2,423,319; from the United States only $1,247,754, showing that to-day, with all the barriers against our trade with Newfoundland, we do a larger trade with Newfoundland than even the United States. I hope soon to learn that a greater effort will be made to bring Newfoundland into the confederacy, and if we have to spend a much larger sum than has already been offered to Newfoundland, I feel sure the time is not far distant when Canada will recoup herself and it will be a great blessing and benefit to Newfoundland as well as to the Dominion at large. We know this, that Newfoundland just now and for some time past has been suffering under a very great calamity. The fire, to which the hon. gentleman has referred, has been a great drawback and injury to that province, as the great fire which took place 20 years ago in St. John, N.B., was to that province, I doubt whether St. John, N.B., has yet recovered from the evil effect of the great fire up to the present day, and we ought to extend, on that account, some favours to Newfoundland to make up for their present depressed and exceptional circums ances owing to that great calamity. As I said before, time will equalize the claims and the demands of the different provinces, and the outlay will be all made good to Canada by the increased trade and the circumstances that may transpire hereafter.

Hon. Mr. PRIMROSE—I am sure we will all be disposed to recognize the appropriateness of the fact that a living issue such as this has been introduced to the notice of the House, by the oldest senator in our Dominion, in fact, the Nestor of the Senate, and we are glad to know that it is a proof that he retains still, at his advanced age, a close connection with the living issues of the day. The suggestion contained in the motion is that it is advisable to open a correspondence with the Imperial Government and propose such joint assistance to the colony of Newfoundland as would enable it to enter this Dominion unembarrassed by financial difficulties. I think there is no very great difficulty in the adoption of a course such as that. The reasons for it are very patent, conclusive and powerful. In my estimation (and I think I do not stand alone in giving expression to such an opinion) very large amounts of money have been spent by this Dominion for purposes which would, comparatively, sink into insignificance when placed alongside an object so desirable as the incoming of the colony of Newfoundland into this grand federation of provinces. I hope that the hon. senator may be spared to see this project carried out in its integrity—that he may live to find Newfoundland embraced in the great sisterhood of provinces, which is destined one day, we all feel, and hope I am sure, to take a very prominent place among the nations of the world. The fact of the matter is, she has already done so to a very large extent. One of the reasons why I think this course should be adopted, and why we should not hesitate even to make very considerable, nay, large sacrifices, to attain the end proposed, is the exceptional situation of our sister colony. We all agree as to the importance of Newfoundland to the Dominion of Canada, and how essential it is that the

colony should not by any chance fall into the hands of an alien power. Her commanding position at the mouth of the St. Lawrence renders it almost indispensable that she should some day or other become a member of this great Dominion. Then, again, Newfoundland is exceptional in her resources which the introduction of wealth would undoubtedly, in the course of time, develop. She has immense timber areas, rich resources of mines and fisheries, and as a matter of course, in her incoming to the Dominion, she would bring this wealth to us. I wish to emphasise what I have already said, that I think the government of the Dominion should not hesitate to adopt a course, even at considerable sacrifice, which would tend to secure so desirable an end as the introduction of Newfoundland to the sisterhood of provinces.

Hon. Mr. POWER—The speech of the hon. gentleman from Fredericton was a little singular in one respect. It is a speech which is not likely to be paralleled in any other deliberative assembly in the world. The hon. gentleman, I believe, is nearly 92 years of age, and it is safe to say that no legislator of that age is likely to address any other legislative body in the world. As far as I am aware, the only legislator who approaches the hon. gentleman is Mr. Villiers, the senior member of the English House of Commons, whose age is about the same as that of the hon. gentleman who has brought this matter to the notice of the House; but I understand that Mr. Villiers never speaks in the House of Commons, so I think the hon. gentleman from Fredericton can claim to be a unique legislator in this respect. While that is perfectly true, and while we are all gratified to see our venerable colleague able to speak, and to speak in a way showing such strength and clearness of mind as his speech to-day did, still that does not oblige us to endorse all the views expressed by him. I do not propose to make a speech. I have not made a preparation by study of the subject to speak on it; but I say that the gist of the hon. gentleman's speech is that it would be advisable on the part of the government of Canada to open up a correspondence with the Imperial government and to propose such joint assistance to the colony of Newfoundland as would enable it to enter this Dominion unembarrassed by financial difficulties. It must be borne in mind that in the course of the recent negotiations between the Government of Canada and the government of Newfoundland this very question came up. There was a sum of $2,000,000 which the negotiators on the part of Canada were not prepared to assume, and they united with the Newfoundland negotiators in making representation, to the Imperial government with a view to securing their aid in dealing with that amount. The Imperial government refused.

Hon. Sir MACKENZIE BOWELL—It was about $5,000,000.

Hon. Mr. POWER—I thought from the statement made in the Legislature of Newfoundland that it was only $2,000,000. At all events, the Imperial government, as I understand, refused absolutely to have anything to do with the matter or to enter into any pecuniary responsibilities on account of Newfoundland. So I fail to see that any good purpose would be attained by the government of Canada at the present time entering into correspondence with the Imperial government on that subject. If the Imperial government, at a time when those negotiations were at a critical stage declined to give any pecuniary assistance to Newfoundland, it is safe to say that it is not likely that they will give assistance now or in the immediate future. My own honest opinion is that the government of Canada offered reasonable and liberal terms to the Newfoundland delegates and the delegates refused to accept those terms; and consequently I feel that it is, to a certain extent, asking us to place ourselves in an undignified position to try and induce those people who do not wish to come in on reasonable terms to join us by offering them terms which are not reasonable. No doubt, it is a very desirable thing that Newfoundland should enter the confederation, but still Canada has contrived to live a good many years without Newfoundland, and in my humble judgment we can live a few years more; and I do not think that we should deal with her coming in as being absolutely necessary. Two or three hon. gentlemen have spoken of the singular and exceptional position of Newfoundland, located at the mouth of the Gulf of St. Lawrence, as being a reason why we should offer unduly generous terms to bring that island in. If Newfoundland were an independent country and proposed,

or was willing, to come into the confederation, I could understand that argument, but Newfoundland is, like ourselves, a British colony, and as long as Britain rules the seas, it is not at all likely that any other nation will own Newfoundland. When England says that she is going to cut the tow rope and let Newfoundland go adrift, it may be time enough for us to take her in tow, but I do not think the time has arrived just now. My own belief is that if we wait, time will be on our side, and that perhaps within ten years Newfoundland will think the terms which she was not willing to accept this season quite reasonable and generous enough, and that she will come in. The substance of what I have to say is just this—that while the addition of Newfoundland to Canada might be a desirable thing, there is such a thing as paying too much for it, and the government offered quite enough.

Hon. Mr. KAULBACH—I do not like the remarks of the hon. member from Halifax, coming as he does from Nova Scotia, because I thought at least on this question his feelings and interests were what Nova Scotia's generally are. Our venerable friend from Fredericton calls attention to the abortive efforts for Newfoundland's political reunion with us, and gives cogent reasons, by facts and figures why we with England should devise means for its entering the Dominion unhampered by financial difficulties. The door is not yet shut to negotiations. Let us seize the opportune moment in the spirit of greater generosity and then, with union accomplished prosperity must come to that ancient colony, increased lustre and greatness to Canada and greater strength and power to the Empire. In the maritime provinces we consider it almost of vital importance that Newfoundland should come into the confederation, and I believe that the people of Canada would say to-day that if it were a question of paying $5,000,000 more to bring Newfoundland into the confederation, if it were absolutely necessary they would prefer to pay that amount rather than leave her as she is now. This surely is a question of imperial importance. The admission of Newfoundland to the union would tend largely to the greatness of Canada, would round off the confederation with the oldest colony in North America, and, in that way, place us in a unique position as a Dominion of which we might well be proud. I am sure that I am but giving expression to the sentiments of truly loyal Canadians. They are the sentiments of the country at large, now finding expression in leading organs of public opinion, not only here, but in England. As we are now Newfoundland is a source of weakness to us. We lose more by Newfoundland being outside the confederation than the interest on $5,000,000 every year. Its isolated position is also a source of weakness to the empire. If Newfoundland sets up free trade what will our position be? If she should again attempt and succeed in any Bond-Blaine treaties where would we be, and how could we with any grace interfere? The Newfoundland fisheries alone are worth all that we would be required to give. If we could control the fisheries and the bait, where would the United States be and where would French claims be? I believe that question of the French shore interests would largely decrease in importance if we had possession of Newfoundland and could regulate the shore fisheries and the bait question as well. I believe the people of New England as well as of France would feel that their interest in our waters was largely diminished, because that bait question keeps the French shore matter alive. If the United States and France fail to get bait there, I believe it will not be long before we would cease to have any contending with our interests in Newfoundland or French shore rights. I do not believe with the hon. member from Halifax that we should wait until the people of Newfoundland got poorer than they are, and that then we can probably get them on the terms we have offered, or even more advantageous terms to Canada. I do not believe it is in our interest to take in the island in that way. We can afford to act not only justly, but generously to Newfoundland, and should do so if we want to make her an integral part and a prosperous part of Canada. Her fisheries are worth now over $7,000,000 a year, and to what extent can that be multiplied if they were in the hands of Canada, with freedom to our Lunenburg fishermen instead of being monopolized by a few merchants in Newfoundland, who wish to keep control of the fisheries and of the serfs under them, who get nothing for their services but the truck in the shops. The fishermen would feel the same independence as the fishermen of

Nova Scotia do to-day, and the fisheries of Newfoundland would develop and become of far greater importance than they are at present retarding the prosperity and development of the great natural resources of her forests and minerals on the island. The wealth of the country, instead of being devoted to the development of the mines and forests is now principally concentrated along the shores in the fisheries. Not only have we to consider the island itself, but Newfoundland owns a large portion of the territory on the mainland, and it is important that we should own it. Our fishermen find great trouble when we go round the coast of Labrador, they find that they cannot freely enter the ports which Newfoundland claims, and we are driven out of there because Newfoundland controls that coast and exacts terms and regulations which absolutely prohibit us prosecuting our fisheries along that shore. Our fishermen in Nova Scotia especially are affected by it, and I repeat that since the failure of the recent negotiations, the people of Canada have arisen to a sense of what they have lost. Previous to that, we did not find the papers of the provinces of Canada expressing a positive opinion, but we find now public sentiment everywhere through Canada, the concensus of opinion of the press of Canada, in favour of union with Newfoundland. We feel that it is necessary to our development, necessary to our mercantile trade, necessary to our manufacturing and agricultural interests, and even if we have to pay the whole of the $5,000,000, Canada should do it rather than let Newfoundland remain out in the cold. Newfoundland would then advance in power and importance, the same as all the provinces of the Dominion. I repeat the Dominion wants no hard bargain, but to act justly and generously.

Hon. Mr. McCALLUM—I am not going to make any lengthy remarks on this question, but it occurs to me, is it desirable that Newfoundland should come into the union? I do not think that any man in Canada will say that it is not. If that is the case, it should not be a question of dollars and cents altogether. Is it not desirable that we should have British North America under one government from the Atlantic to the Pacific? The government of Canada may have offered fair terms, but I do not want the door closed. I think before long this country will insist on having British North America under one government. The people of Newfoundland are British and if it is going to be a matter of marriage, we should not squeeze them down to the last cent. The reason I am speaking at all is, because I believe there is a feeling of disappointment in the country that the door should be shut, that the negotiations should be at an end. I know there is a feeling that they want to deal reasonably in every respect with Newfoundland. They do not want to crowd these people down because they are in a bad financial position just now. It is true, we have nothing to spare to give away to anybody, but the people of Newfoundland are members of the British family and will become members of the Canadian family, and if we are going into a union, let us take them in on fair terms. I was glad to hear the hon. member from Fredericton address the House; he is the Nestor of the House, and long may he be spared to us. The senior member for Halifax says that we offered Newfoundland a fair inducement to join us. Perhaps we did, but supposing we had gone a little further, supposing they had got a little the best of the bargain to start with; while they are in financial difficulties, we should be generous and willing to extend them our protection as far as possible. It has been the boast of Canadians that we are going to have one half of this continent, that we are going to have British America from the Atlantic to the Pacific. Are we going to prevent it now? No patriotic man would refuse to give good terms to Newfoundland. War may not come in our time, but the time will come when Great Britain, or Canada, will be at war with some other country, and is it not necessary that we should be protected on the Atlantic coast as well as on the Pacific? I say yes, and I tell the government to-day that it is the feeling of the people of this country that we should not close the door, but that we should consider what we can do to bring Newfoundland into the confederation.

Hon. Mr. DRUMMOND—I had no intention of saying a word upon the subject, and even upon the risk of only echoing what has been said by the hon. member from Monck and the hon. member from Lunenburg, I desire to say that this is a question which affects the Empire at large. It is not

only an imperial questoin, but it is one of vital importance to this country in particular, and I say it is not a question of dollars and cents. Even at the risk of getting very much worsted in the bargain, I would treat those people generously. I must say it seems to me that the course of the negotiations recently conducted indicates to some extent a lack of serious intention on the part of the delegates from Newfoundland to bring them to a successful termination. I think that is at the bottom of all the difficulty. I give our government credit for desiring honestly and seriously to arrive at fair terms with these people, but it must not be approached simply in a bargaining spirit, but with a broad statesmanlike view of the vital importance of that country to our Dominion, as a whole, and I for one would say sink dollars and cents if an object of such importance can be attained. I think the whole Conservative party, and a large proportion of the opposition, would have endorsed the successful issue of these negotiations on almost any terms whatever. The mercantile community, with whose views I profess to have a little acquaintance, would certainly have stepped a long way beyond the strict limits that the terms given to the other portions of the Dominion would have warranted, to see the negotiations brought to a successful issue. I think our government should be impressed with the importance of re-opening the negotiations at the earliest possible hour. The colony of Newfoundland is by no means out of the woods in a financial and fiscal view of the situation, and the time may come quicker than we anticipate when we will descend from the pedestal which we occupy and stretch out our hands and give terms which might be considered not only liberal but even lavish.

Hon. Sir MACKENZIE BOWELL—I join heartily in the complimentary remarks which have been made with respect to the hon. and venerable gentleman who has introduced this very important subject to the deliberation of the Senate. The clear and succinct manner in which he put his views before the House must have convinced every one who listened to him, that though he may be the Nestor of the Senate his mind is as clear and as bright to-day as it was in years gone by, and I express the hope of my colleagues in this House that he may be long spared to occupy the seat that he has so honourably and so long enjoyed in the Senate of Canada. I fully realize that in the inquiry which he has placed upon the notice paper, he has taken a line which has suggested itself to those who have had the honour of negotiating with the Newfoundland delegates, and probably I may be excused for dealing with that point for a few moments. He suggests in his reference that he will call attention to the unsuccessful negotiations with the colony of Newfoundland, and suggest whether it might not be advisable to open correspondence with the Imperial Government and propose such joint assistance to that colony as would enable it to enter into the Dominion unembarrassed by financial difficulties. It is just as well that we should hold this strong patriotic and national sentiment to which some of our fellow-citizens have given utterance, but in dealing with a question of this kind, as we have had to deal with similar questions in connection with other provinces, we had to keep somewhere within the line that guided the former negotiations in bringing into the Dominion the outlying portions of British America. Some hon. gentlemen differ from me in that particular view; I see one hon. gentleman shaking his head. Now, if the government had accepted the propositions which were made by the Newfoundland delegates, I have grave doubts as to whether the country would have accepted a bargain of that kind with the unanimity which seems to characterize those who have spoken on the subject. It must be borne in mind—and I am glad to have this opportunity to refer to it—that the statements which have appeared in the press with respect to the manner in which the Newfoundland delegates were received in Canada, that an attempt was made considering their financial difficulties to press them and to "screw them down," as the expression has been, to the lowest possible amount, have not the slightest foundation for them. In the first place it was the Newfoundland people who suggested the conference in Ottawa through their Governor, and the Governor-General of this country, knowing, as every person in the Dominion who reads knows, that the Dominion government has ever been ready to enter into negotiations and to deal with that ancient colony in the most liberal manner possible in order to affect that rounding off of the Dominion, which we all as British subjects and British Canadians so

much desire. We at once, and with pleasure, accepted the invitation to enter into negotiations on this important subject. There were, I may add here, applications to the Dominion before that, for an advance of a considerable sum of money to help them in their extremity, but our only answer to them was that we had no power given to us by the constitution, and that it was only by the action of parliament that we could loan or bestow money upon any country, and much as we desire to assist them, that we were hampered in that respect, and, I may add parenthetically, I think, very properly so. No such power should be given to any government, and under our free institutions it is by parliament and through parliament, by the votes of the representatives of the people alone, that we can extend help to any portion of the Dominion or to any individual. I am glad to see by a report in the newspapers that one member of the Newfoundland delegation, Mr. Morris, stated in the House that they were treated not only courteously here, but he thought they were treated liberally considering the position the government held towards the other provinces of the Dominion. That is in marked contrast to other references which have been attributed to gentlemen who came to Ottawa. Our position was simply this; we were willing not only to consider the terms which were indirectly offered to them in the past, but we were quite willing to go much beyond that. We offered to the people of Newfoundland a money consideration greater than any province in the Dominion received from us. We offered them other considerations, the details of which I shall not enter into now, but simply make the broad statement. We offered to assume some $11,000,000 or $12,000,000 of their debts; but their debt, present and prospective, amounts to about $16,000.000. We did precisely what my honourable and venerable friend suggests. We took into consideration the great importance to England that the union of Newfoundland and Canada would be and what would result from that union, thereby assuming all the responsibility that may devolve upon England in governing Newfoundland as a Crown colony or assisting it in its extremity. We proposed that England should, under the circumstances, come to the aid of Newfoundland directly in the way suggested by the hon. member who moved this motion, instead of indirectly in the way of assuming debts or assisting in carrying on the government of that country as it exists, or by reducing it to a Crown colony; and communications did pass between our government and that of England, asking them to assist in the very way suggested by the hon. gentleman. They declined doing so, and when we look at the position that England occupies to all the other colonies throughout the world, we must come to the conclusion that there must be good and sufficient grounds and a very strong case made out, for England's departing from her known policy of not granting direct aid to any colony. I wish the Senate to understand distinctly that the door is not closed. We propose to pursue the policy which has characterized this government for years past, consistently with the public revenue, and what we believe to be in the interest financially of this country, and what has equally as great an effect upon minds—that is the national sentiment. I believe, in a large section of this country, that they are willing to go even beyond the limits financially speaking, of what has been done in the past in order to round off this Dominion and bring the outlying colony into the Dominion of Canada. I feel and recognize, and everyone who has given the subject the slightest attention and study, must recognize the great importance of having that—I was going to say barrier, —having that difficulty removed which constantly presents itself in our negotiations with our neighbours across the line with reference to our great fishing industries. It is true that in connection with the action of Canada in reference to the Bond-Blaine Treaty they did feel a little chagrined that we should have interfered at all in their negotiations. I do not believe, from a study of that treaty, that they would receive the great benefits which they anticipated from it. There are restrictions in the wording of that treaty which, when studied and when applied to the practical operations of it, should it come into force, would show to the people of Newfoundland that they had not received that benefit from the United States that they anticipated, and I pointed that out to Mr. Bond during the negotiations in Halifax some three years ago, when the late Sir John Thompson, Mr. Chapleau and myself had an interview with the delegation from Newfoundland. Mr. Bond then stated that

he had the promise of American statesmen that the meaning which they intended to give to that particular clause would be extended to them. It may have been uncharitable on my part, but I pointed out to him that he had a much better and broader view of American statesman than, I confess, experience had given to me, in dealing with a treaty or anything that was committed to paper in the way of a treaty, or in the matter of tariff. From my experience of Mr. Blaine as an American statesman, I observed that he had one grand idea that prevailed and was paramount in his mind in any negotiations that he had with any part of the world, and I know more particularly with Canada; if you were making a proposition to that statesman, the first question he would ask you would be "How does that affect the United States?" I could not help contrasting that with the position that had been taken—and I hesitated not to say so in his presence during the negotiation—by a number of men who called themselves Canadians. The first question with him was "How does this affect our country?" And if he could in any way show that it was not beneficial, his answer was plain and distinct "No," although they were 65,000,000 compared with our 5,000,000 of people. When I said to him, "Surely you are not afraid to compete with 5,000,000 Canadians with the extent of your territory and wealth, and the great ramifications of your industries." I I was speaking of the coasting trade, and his answer was quiet and distinct, "England today has the coasting trade of the world except with our country, and we do not propose in this country to give that to you or to them." I point that out as the reason why I do not believe that if Mr. Bond, or those who represent Newfoundland, had gone to them and said "We want you to extend the words of this treaty" that they would have acceded to the proposition or listened to it for a moment. Now our attitude towards Newfoundland is to a certain extent sentimental, but there is something else as well. I agree with the hon. gentleman who proposed this motion that were we once united we would command a large part of the trade of that country, but it must be borne in mind that in connection with these articles which we have to export and which Newfoundland imports, we stand in precisely the same relation to Newfoundland as the United States or any other portion of the world does, and it is only a question as to whether Canada can produce that which is required for the sustenance of the people of Newfoundland as cheaply as they can in the United States, and whether the freight and carrying of it to that market is as cheap and the facilities as great here as there. If Newfoundland became a portion of the Dominion, the tariff wall would be broken down, and we should have free entry into their market, while the outside world would have the disadvantages of the Dominion tariff. That is where our indirect and direct advantage would be, but it must be borne in mind that though the importations into Newfoundland to-day realize to them a certain sum of money, it is not to be supposed that if a union took place we should have falling into the coffers of the Dominion the same amount as they raise to-day, because their policy is to impose specific duties from a free trade standpoint upon articles which they do not produce and which we do. Their highest duty is upon flour and upon those articles that they desire for the sustenance of their people; their duty upon that necessary article, sugar, is considerably higher than you can buy it for in the retail shops in this country to-day. It is $4.50 per cwt., which is over 4 cents a pound. If they came into the Dominion they would have the advantage that we have of the cheap articles necessary for sustenance. It is the same with tea. In this country tea is admitted free; in Newfoundland, for revenue purposes, it is pretty highly taxed. I forget what it is now, but the duty is high. However, I do not know that it is either profitable or desirable that I should enter into details in this debate. I hope that they may be able to emerge in a very short time from the financial difficulties in which they find themselves. How that is to be done I do not know, nor did I receive any satisfactory answer when I put that question to the gentlemen with whom we were negotiating. Borrowing will get them out of the difficulty for a little while, but unfortunately there is a day of reckoning approaching when they either have to pay the interest upon the loan, or the principal itself, and when that time arrives and their revenue falls, as it has been falling, they will be in a worse position than ever. I do not know any person who is better able to speak intelligently and correctly

upon that point than the hon. member from Kennebec, as he has had something to do with the financial and monetary operations of that colony. However, let us hope, the door not being shut—and we intend to push forward as my hon. friend suggests—that we may induce the mother country to come to their aid some way or other, in order that the predictions of my hon. friend from Monck may be verified, that he may live long enough to see Newfoundland a part of the Dominion. There are many reasons which I could give, were I on the other side, why it should not be done. There are still greater reasons to my mind why we should persist in the policy we have been pursuing, and never cease until the whole of British North America is under the Dominion Government of Canada.

## THE DESJARDINS CASE

INQUIRY.

Hon. Mr. BELLEROSE rose to

Inquire of the Government, at what date did the Governor in Council order the discharge of one Frédéric Desjardins, imprisoned in the Quebec jail under a sentence of the Court of Queen's Bench in October last, for having sold immoral books, and what were the reasons which decided such discharge?

Hon. Sir MACKENZIE BOWELL—1. The release of Frédéric Desjardins on the 15th February last, was made on the recommendation of the Minister of Justice. 2. The prisoner had been sentenced on two counts, to three months' imprisonment on each count. The conviction was the first under the new law; and as the prisoner had served over four months it was considered that he had been sufficiently punished. The evidence went to show that the transaction had taken place in the ordinary course of business. One of the books was a medical work, or alleged to be, and the other a work of Zola's.

Hon. Mr. BELLEROSE—I would ask the Premier whether the Attorney General for the province was consulted?

Hon. Sir MACKENZIE BOWELL—As to what?

Hon. Mr. BELLEROSE—As to the discharge of the prisoner and as to the whole case?

Hon. Sir MACKENZIE BOWELL—I could not answer that question, but I do know that whenever an application is made to the Minister of Justice for the commutation of a sentence, or remitting a portion of a sentence, the application is sent to the judges who tried the case or to the magistrate, for their report, and I am under the impression, although I speak subject to correction, that it was done in this case. I have had petitions sent to me praying for the relief of prisoners, and in no case has the Minister of Justice acted until after he has sent them, either to the magistrate who tried the case or to the judges of the court in which the prisoner was sentenced.

## RETURNS TO ADDRESSES.

INQUIRIES.

Hon. Mr. McINNES (B.C.)—Before the Orders of the Day are called, I should like to know when the papers relating to the British Columbia Penitentiary, for which I asked some days ago, will be laid on the table?

Hon. Mr. ANGERS—Since the hon. gentleman has drawn the attention of the House to this matter, I have asked the Minister of Justice, and he gives me the information that he has several clerks copying the evidence and that it would be laid before the House presently. I have not heard from him since; that is a few days ago.

Hon. Mr. McINNES (B.C.)—I happened to meet one of the members of the House of Commons from British Columbia last evening, and he told me that a copy of the evidence which had been brought down in the other House, and which had been in the hands of the typewriters for several days, had been returned to their room, No. 16, in the House of Commons, and consequently, I inferred from that that they had got through with it.

Hon. Mr. ANGERS—Certainly, a copy was made for the House of Commons, and they are now making a copy for the Senate.

Hon. Mr. DESJARDINS—I should like to know whether the documents relating to the harbour of Montreal for which I moved some days ago are ready yet?

Hon. Sir MACKENZIE BOWELL—I have not inquired about it: I will make in-

quiry. The notice was sent over to the department which has them for preparation. I am in hopes that they will be ready soon.

## BILL INTRODUCED.

Bill (L) "An Act further to amend the Act respecting the incorporation of Boards of Trade." (Sir Mackenzie Bowell.)

## THE DIVORCE COMMITTEE.

### A POINT OF ORDER.

Hon. Mr. MILLER—I desire to call the attention of the House to a mistake in the minutes. I find there are four items placed before the item number (5) which, by understanding, was to be the first Order of the Day. I presume it is a clerical error which can be easily rectified, and I therefore ask that it be placed at the head of the Orders.

The SPEAKER—It was understood that this item should be the first Order of the Day, and it will be called first.

Hon. Mr. KIRCHHOFFER moved the adoption of the report from certain members of the standing Committee on Divorce.

Hon. Mr. McKAY—I rise to a point of order. It is not competent for a committee, or any member of a committee, to resign without cause, except in certain cases which are specified. In support of my point of order I would desire to quote from Bourinot's edition, page 501 :—

> If a member is desirous on account of illness or advanced age, to be excused from attendance on a committee, he should ask leave from the House through another member. Every member of a legislative body is bound to serve on a committee to which he has been duly appointed, unless he can show the House there are conclusive reasons for his non-attendance. If a member is not excused, and nevertheless persists in refusing to obey the order of the Houses, he can be adjudged guilty of contempt and committed to the custody of the Serjeant.

In England Mr. Speaker Sutton, on a proposition to discharge a member of a committee on the ground that he could not attend, for the purpose of substituting another, said:

> That he could not find any trace of such having been the practice; he did not perceive any member had been left out, except it was by absolute parliamentary disqualification or physical impossibility of attendance; as to any other disqualification of attendance, there was, so far as his knowledge extended, no account of any case having arisen.

A member has been substituted for another in the Canadian Commons on account of the member originally appointed having acted as counsel for the parties interested in the matter before the committee; or on account of a member of his family being directly affected by the issue.

This, to my mind, is a very sound principle and should be followed strictly. It would lead to utter confusion, if a member of a committee, or a committee, in the middle of business can tender their resignation. Where would the legislation of the country go to? Holding these views, I think that the point of order is a sound one and the motion of the hon. gentleman is out of order.

Hon. Mr. KIRCHHOFFER—Much as I regret it, I have to admit that there is a good deal in the point of order which the hon. gentleman has taken. I have always been in doubt whether a committee, whether collectively or individually, were able to resign their position. The points which have been taken and the cases which have been cited by the hon. gentleman seem to me to place that matter beyond doubt. I do not intend, therefore, to press my resolution and I am willing that it should be dropped.

Hon. Mr. MILLER—I do not at all regret that the course taken will prevent any discussion in this House on what will be a very unpleasant subject, but before this matter is dropped, I claim as a right, not to make a speech, but to place on record the result of my searches of the journals of this House on the question of the communication on the Table, because I think it would be an unheard of injustice to allow statements which have been made in the document on the Table to go to the country without allowing gentlemen who are assailed in it an opportunity of putting their answer on record. I presume no fair-minded gentleman will object to what I propose to do.

Hon. Mr. McKAY—I rise again to a point of order. I have asked for the ruling of the Chair and while that is still before the House I do not think anyone can interrupt.

Hon. Mr. MILLER—It is useless for the hon. gentleman to think he is going to prevent me from speaking on the question, for I will if necessary move the adjournment of the House, or get a friend to move it, and place my statement on record. But I thought the best way would be, before the question

is dropped, to let me make this statement, in justice to a large number of the members of the Senate, and especially to myself. I do not want to make a speech which might not be acceptable to the House, but if the hon. gentleman will insist on the point of order and not allow me to read the statement which I have taken from our journals, I will move the adjournment of the House in order to do so.

Hon. Mr. McKAY—I do not insist upon the point of order.

Hon. Mr. MILLER—The few remarks with which I wish to preface the statement, I have put in writing.

Hon. Mr. McINNES (B.C.)—The point of order is before the House and if the hon. gentleman is allowed to go on and even read his remarks it will open up the whole question and make it eligible for every member of the House to discuss it. I think it would be very much better if His Honour the Speaker would decide the question of order and if the hon. member wishes to move the adjournment of the House, it would be the fairest way for all concerned. I have no objection to the hon. gentleman speaking if he wishes to do so.

Hon. Mr. MILLER—I think it would be more proper if I were allowed to make the statement now. My desire in taking this course is to prevent discussion and I do it at the request of several members of the House.

Hon. Mr. POWER—I think the hon. gentleman must know from his own experience that the proceeding is altogether irregular. The hon. gentleman, as every member of the House, has a right to enter his protest on the journals, but I do not think he has a right, when a question of order is to be considered, to read an elaborate statement. It has never been the practice to read those protests in the House.

Hon. Mr. MILLER—I know I am out of order, but I have asked the indulgence of the House. The whole of the proceedings are out of order, and if any member of the House objects to my reading the statement which I have prepared, I shall certainly take another occasion to do so, but there is nothing on the minutes now to protest against.



Hon. Mr. SCOTT—After the point of order is disposed of, some hon. gentleman will move the adjournment of the House.

Hon. Mr. ANGERS—There is no point of order to decide. The question of order has been raised by the hon. member from Truro, and the hon. chairman of the committee has agreed to withdraw his document and therefore I understand the Speaker has no judgment to pronounce.

Hon. Mr. POWER—The chairman of the committee admitted that the point of order is well taken and it is the duty of the chair, unless some hon. gentleman has a different view, to rule the paper out of order.

Hon. Mr. ANGERS—I do not think there is any necessity for ruling at all. There is an acceptance and it is dropped. That incident is over, therefore.

Hon. Mr. POWER—There is nothing before the House.

Hon. Mr. MILLER—Then I move that the House do now adjourn. I make this motion for the purpose of reading the statement.

Hon. Mr. POWER—Can the hon. gentleman move the adjournment of the House and then speak ?

Hon. Mr. MILLER—Of course I can. It is a very strange thing that the hon. gentlement does not know it.

Hon. Mr. POWER—It is the first time I have seen it done. The usual way is to get some friend to move the adjournment.

Hon. Mr. MILLER—I have no desire to provoke an unpleasant discussion on the communication referred to in the order of the day, which has been wisely dropped from our minutes, and I am therefore willing to forego my right to comment upon it, because I do not wish to say anything calculated to disturb the harmony and good-feeling that have always prevailed in this body on sectarian questions. But I have prepared a statement from the Journals of the Senate from the union of the provinces in 1867 until the present day, in regard to all applications for divorce in this chamber, which will speak for itself, and which I feel it my duty to place

on record on the present occasion, in answer to the communication above-mentioned. The paper I hold in my hand, and which I shall read to the House, is a simple statement of facts from our journals.

In the session of 1867–68 the first bill for divorce presented to the parliament of the Dominion and the only one during that sessesion, was in the case of one Whitaves, to which an amendment was moved to the motion for the second reading hostile to the principle of divorce *a vinculo matrimonii* by Senator Bureau, which was defeated by a vote of 34 to 17. This is the only instance in which I ever voted squarely against the principle of any divorce bill during the twenty-eight years I have been a member of the Senate. I have voted perhaps half a dozen times in all in connection with divorce bills, but always on questions of order or procedure. Having placed myself on record at the start, on the principle of absolute divorce, I made up my mind then to abstain for the future from voting one way or the other on such bills, and that I would leave them to the decision of hon. gentlemen who believed that divorces under certain circumstances were justifiable and proper—a rule to which I have strictly adhered during all these years. That bill was passed by both Houses.

In 1869 there were two applications for divorce before the Senate—Jones' Relief Bill (No. 40), on which the Senate committee reported adversely, and which was not therefore defeated in this chamber ; and Stevenson's Relief Bill (No. 77) which passed the Senate by a vote of 30 to 17.

In 1870, we had only one divorce bill before us. That of one Martin, which the committee reported against.

In 1871, there were no petitions for divorce presented to Parliament.

In 1872, Martin made a second application for divorce (No. 70). The vote on the second reading of the bill passed in the Senate by 36 to 19. It passed through its various stages in this House by arge majorities, but did not get through the Commons. It was the only Bill before the Senate that year.

In 1873, Martin's Relief Bill (No. 70) was again before Parliament, and was agreed to by both Houses, the vote in the Senate being 34 to 18.

In 1874, there were no divorce bills before us

In 1875, Peterson's Relief Bill (No. 80) passed the Senate and Commons, the vote in this House being 34 to 18.

In 1876, Campbell's Relief Bill (No. 7), a celebrated case, was under the consideration of the Senate, where the second reading was affirmed on a vote of 33 to 14. During the investigation the feeling on the committee and in the Senate changed strongly against the petitioner and in favour of the wife, and the bill was altered to give her a divorce from bed and board, with alimony and the custody of children, which passed the Senate by the large majority of about two to one, but it did not get through the Commons. Religious sects and political parties were much mixed up together on the several occasions it was before the Senate.

In 1877, Mrs. Campbell's case was again before us, and it ultimately passed the Senate that session, but there was a strong feeling among the best parliamentarians then among us, that the procedure was altogether irregular. There were two close divisions on the bill of 31 to 31. I voted in these divisions, in which the bill was really opposed on points of order and want of jurisdiction. A protest, headed by Sir Alexander Campbell, was entered on the Journals of the Senate, which however I did not sign, and the bill sent to the Commons, where it was dropped. This is the only protest of the kind to be found on our Journals.

There was also this year the Bate's Relief Bill (No. 6), passed by the Senate without the "yeas and nays" being even asked for, and it became law.

The course pursued in the Bate's case of not even calling for names, became the rule thenceforward of the opponents of divorce on principle, and has been, with very rare exceptions, adhered to until the present day. The Roman Catholic senators virtually came to the conclusion among themselves not even to vote on divorce bills where Protestants alone were interested, but had their convictions respected, by mutual consent, by having all motions on such bills entered on the journals as carried "on division." I will show as I proceed how strictly this rule has been followed, and consequently how unjust are the charges now made against them, by the communication laid on our table, as well as by the newspapers that communication has misled.

In this year also two other divorce bills

were before Parliament, viz., Holwell's Relief Bill (No. 37), and Scott's Relief Bill (No. 80) and both became law. In the Senate the "ayes and nays" were not even asked for in either case on any of the readings.

In 1878 the following divorce cases were before the Senate: Hunter's Relief Bill (No. 29), Johnston's Relief Bill (No. 22) and Lyon's Relief Bill (No. 24). All became law, and all passed their several readings in in the Senate without any vote being recorded against them.

In this year, Mrs. Campbell presented a petition to sue *in forma pauperis*, but the standing orders committee reported that the rules of the House had not been complied with, and the application dropped.

In 1879 Mr. Campbell again petitioned for divorce from bed and board, with alimony and custody of childrem. A motion made and seconded by Senators Cornwall and Penny to refer the bill to the Supreme Court for its decision on points of law, was lost and the bill ultimately passed both Houses.

In 1880 and 1881, there were no divorce bills before the Senate, so far as I can discover.

In 1882, there was Gardner's Relief Bill (No. 41) before the House. The second reading passed without the "ayes" and "nays" being asked for, but the bill was abandoned by the petitioner before the committee, who reported accordingly.

In 1883, Nicholson's Relief Bill (No. 63) was the only one before us. It got its second reading in the Senate without the "ayes and nays" being demanded, but it was dropped in committee.

In 1884, Graham's Relief Bill (No. 28) passed the Senate and Commons. There was no vote taken against it in the Senate. This was the only bill that session.

In 1885, the following divorce bills were before the Senate. Davis Relief Bill (No. 31), Evan's Relief Bill (No. 40), Hatzfield's Relief Bill (No. 53), all of which became law, and passed the Senate without the "ayes" and "nays" being asked for in any case. Also Smith's Relief Bill (No. 92), which was read a second time without "ayes" and "nays" being asked for in the Senate. This bill was dropped before the committee, who recommended a return of the fee. Also Terry's Relief Bill (No. 100), which passed all its readings in the Senate without the "ayes" and "nays" being asked for, and became law.

In 1886, there was but one divorce case before parliament, viz.: Bissell's Relief Bill, which went through all its readings in the Senate without names being asked for.

In 1887, there were five divorce bills before parliament, viz., Ash's Relief Bill (No. 3), Lavell's Relief Bill (No. 65), Montieth's Relief Bill (No. 76), Noel's Relief Bill (No, 80), Riddell's Relief Bill (No. 109), all of which became law, the "ayes" and "nays" not being asked for on the readings of any one of them.

In 1888, there were five divorce bills presented to this House. Irving's Relief Bill (No. 51), which passed all its readings without the "yeas and nays" being asked for; Tudor's Relief Bill (No. 119), on which there was a division of yeas 32, nays 19, on the third reading; Middleton's Relief Bill (No. 65) which passed the second reaping and was sent to committee without the "yeas" or "nays" in any motion, but was dropped before the committee; and White's Relief Bill (No. 113) reported against by committee, but no "yeas" or "nays" called for in the Senate.

In 1889, there were Bagwell's Relief Bill (No. 8) which passed all its readings in the Senate without names being asked for; Lowry's Relief Bill (No. 65) on which there was a division, on the third reading, of 28 yeas and 23 nays; Rosamond's Relief Bill (No. 97), withdrawn by petitioner and reported by the committee as dropped; and Wand's Relief Bill passed by Senate and Commons—without "yeas and nays" being asked for in this House.

In 1890, there was Walker's Relief Bill (No. 125), which passed both Houses after a division in the Senate on the third reading, of 23 to 16.

In 1890 there was also the only case in which the Senate ever rejected the report of a committee, the case of the Clapp Relief Bill (No. 23), during the last twenty-eight years, the vote being contents 8, non-contents 35, among the majority being 14 of the leading Protestant members of the Senate.

In 1891, there were four applications for divorce, viz., Bristow's Relief Bill (No. 14); Ellis' Relief Bill (No. 43): Russworm's Relief Bill (No. 109); and Tapley's Relief Bill, all of which passed the Senate and Commons, with no "ayes and nays" asked for on any of the readings of any one of them in this House.

In 1892, there was Aikin's Relief Bill

Bill (No. 2), which passed the Senate and Commons, without any record of a hostile vote in the Senate; the Bennet Relief Bill (No. 6) reported against by the committee without any adverse vote in the Senate; the Donigan Relief Bill (No. 27); and the Harrison Relief Bill (No. 28); both of which passed the Senate without an adverse vote on any of their readings; also Mead's Relief Bill (No. 49), and Wright's Relief Bill (No. 88), both of which passed the Senate and Commons in precisely the same way as stated in regard to the last two mentioned cases.

In 1893, there were seven divorce cases before parliament; Balfour's Relief Bill (No. 5); Ballantyne's Relief Bill (No. 6); Doran's Relief Bill (No. 36); Goff's Relief Bill (No. 43); Hebden's Relief Bill (No. 54); Heward's Relief Bill (No. 55); Schwaller's Relief Bill (No. 87)—all of which passed the Senate and Commons—with no hostile vote on the several readings of any one of them in this House.

In 1894, Dillon's Relief Bill (No. 33) excited the hostility of some of the Roman Catholic senators, as both the petitioner and respondent were Roman Catholics, and their marriage had been entered into according to the rites of their church. There were several close divisions on this bill, but I did not vote against it. Had I done so, it would have been defeated, for it passed the Senate by only a majority of one, and became law. The vote stood 21 to 20 on the last division, and several Roman Catholics did not vote.

There were also this year, Downey's Relief Bill (No. 40), the second and third reading, and all other motions passed the Senate without the "ayes and nays;" Piper's Relief Bill (No. 106), and Thompson's Relief Bill (No. 131), the several readings of which passed the Senate without the "ayes and nays" being called for.

In 1895, the present year, although six or seven divorce bills have been before the Senate no opposition has been offered in the Senate, except in the Odell case, where the wife is a Catholic, and in which a postponement only has been ordered to await judicial proceedings in the highest court in the Dominion. This was done by a vote of 28 to 24, five Protestant senators, including the Prime Minister, voting with the majority.

Here is the record. I have been careful in my searches, and I don't think I have omitted anything, but if I have inadvertently done so, and if other cases can be found, I am quite sure they will only add to the strength of my statement.

The fact is, then, according to the record, that with one single exception, namely, Clapp's case in 1890, no application for divorce, since confederation, whether from Protestant or Catholic, has been rejected by the Senate, that has been favourably reported by a divorce committee invariably composed of Protestants. The vote being as already stated 34 against 8—with 14 Protestants in the majority.

I have now only to express the hope that the newspapers which published unjust statements against certain members of this House will, as a matter of fairplay, give equal publicity to this epitome of facts in reply to the unjust charges published against them.

Hon. Mr. SCOTT—I desire to add a few words to the very calm and deliberate remarks made by my hon. friend from Richmond, and I hope I will do so in the same good temper that he has shown. Hon. gentlemen who have read the newspapers recently published will have noticed that a very unfair and unjustifiable attack has been made upon the Catholic members of the Senate in respect to their alleged aggressive policy during the last 25 years. They have taken up the echo from the report of the committee. I will read one of them to show you that the grievance we complain of is a real one. Comments were made in the *Globe*, Montreal *Herald*, the *Gazette*, and Ottawa papers and the press all over the Dominion, and I will read to the House a sample of these reports. The article I have before me is from the Ottawa *Journal:*

> That on the ground of their private denominational belief, the Roman Catholic senators use their public positions to effect injustice against persons of other denominational beliefs. There is no stop to such a principle short of inquisitional fires.

It goes on in the same strain:

> Catholic senators might be pardoned if they merely voted against the applications of Catholics for divorce, although even then the question would arise whether public men morally bound to honour the constitution of their country could rightly refuse for private denominational reasons to allow any citizen of the country the proper benefit of its laws. But when it comes to Catholic senators constantly and coldbloodedly blocking on private Catholic grounds the rights to Canadian law of people who are not Catholics, the matter is one

that should be remedied promptly and thoroughly by the government of the country. The Catholic senators should let alone the legal and constitutional rights of the Protestant part of the people. If they will not let these alone, it is the government's duty to interfere.

Further on the report reads :

The majority of the Senate committee on divorce have done well to resign in order to bring to an issue the constant blocking by Catholic senators of law and the constitution without public sense or reason.

I think, after listening to these extracts, that those of us who have read similar comments in the papers will feel that it has been a very unfair and unjustifiable attack on the minority of the chamber. That minority, whatever may be their view, and feelings on the subject, recognize that a majority in this chamber differ from them and I now state—and the record will bear me out—that on no oocasion have the Catholic senators of this House opposed a divorce bill except on substantial grounds, on legal grounds, on grounds that have been held to be good elsewhere. I will just succinctly state, in confirmation of what the hon. gentleman who read his paper says, that since confederation there have been eight cases rejected. Of those eight cases six were rejected by the committee who reported against the bill. One was rejected by the Senate. The vote stood in that case eight for and thirty-five against, and a number of Protestants voted against the bill. There was one rejected by the House of Commons. The Catholic members took exception to it and it was rejected there by a vote of 70 against 35. Thirty-seven Protestant gentlemen in the House of Commons voted against it, so that it cannot be said that in any one of those cases the Catholic element had anything whatever to do with whether the bill passed or was rejected. In the House of Commons the lawyers in that case took precisely the ground that the opponents of the bill took here. It was in the year 1890. There was a great deal of interest manifested in the case here. That was the Emily Walker case. Sir John Mac lonald, in speaking on that case said :

There is a great deal to be said for the position taken by the Catholic Church against divorce in any case ; but looking at the statement we find in the Scriptures that for the cause of adultery divorce should be allowed. I have always voted in that direction. But I will steadily oppose in every possible way any further extension of the rule. My hon. friend says that if a bill of this kind is refused, it would cause an excitement in the country for the establishment of divorce courts. I am opposed to the establishment of divorce courts; I think it has had a bad effect in England ; and I am well satisfied that our practice should continue. But if we had a divorce court established to-morrow it would decide according to law, and according to the law of England ; and according to the law of divorce as known in England, and as it exists, therefore, in this country, there would under that court be no relaxation of the rule as known and established both in England and in the British Empire generally. On the other hand, if there is to be any laxity, if this legislature is going to adopt the course taken by too many of the state legislatures of the United States, I would go in immediately for the establishment of a divorce court. A court of judges learned in the law, who would decide according to the law of England.

In that particular case the divorce committee felt very much grieved, no doubt, at their report being thrown out by the House of Commons ; but that was the opinion of Sir John Macdonald on the subject. I must read the opinion of Mr Dickey, who was quite positive :

This is not a case in which there is any element, so far as I can see from the evidence, that would justify this House in assisting her to dissolve the marriage.

Were the Catholic members right in voting as they did in that case? I do not think that their conduct can be scrutinized when the members of the House of Commons took the same view. Then, in reference to the case on which there were divisions in this House ; in the Campbell case the division was not on account of religious belief at all, because in the minority were Allen, Almon, Campbell, Kaulbach, McClellan, Macdonald, Simpson, Pozer and Vidal. So, the Catholics were not an element in the consideration of that case. In the Susan Ashe case, the division was on special grounds that were named and they were supported by two members of the committee, Mr. Haythorne and Mr. Dickey. The chairman of the committee, Mr. Kaulbach, also voted against the bill, but Mr. Dickey and Mr. Haythorne were members of the committee. That is the only case in 1887 there was any opposition to. In 1888 there was a division, but it was favoured by the Protestant element and not the Catholic element at all. It was the Eleanor Tudor case. On that division were McInnes (B.C.), Macdonald (B.C.) and MacFarlane who were members of the committee. Would it not be most unreasonable to say those gentlemen,

having heard the evidence and formed opinions, should be precluded from expressing those opinions when it came to this chamber? There was really no opposition to any of the cases except for cause. In 1891 there was an amendment, moved to the Ellis case by Mr. McCallum, seconded by Mr. Cochrane. It was not instigated by the Catholic members, and the bill underwent some change in the other House. In 1892 five cases were before the House and there was no opposition. In 1893, 7 cases and no opposition ; in 1894, 6 cases and no opposition except in the Dillon case, and I do not hesitate to say that the grounds taken were perfectly sound, and if the party had been a Protestant he would not have been granted a divorce. I suppose, unfortunately, a feeling crept into the chamber, but finally he was granted the bill, although it was refused at first. On the second occasion there were more members present who voted for the bill and not so many opposed it, and the hon. gentleman from Halifax discussed it on the question of the abandonment of the wife. I quoted some English cases which decided that where a man places his wife in such a position that she was likely to be tempted, the court refused him the divorce. In this case the petitioner left and went to England and was absent for some time. I think it was an extreme case, more especially under the circumstances. Then there were the two cases before us this session. In the first case the petitioner himself was an appellant before the Supreme Court, and that, of itself, ought to have precluded the Senate from considering his case. Now, in order to show how much we were guided in the early days by the courts, the very first case that came before this Senate after confederation was in 1868, Mr. Whitehead's case. I think Mr. Allan was chairman of the committee and they were guided entirely by the exemplification of the judgment of the court in the other provinces, which they refused to take cognizance of it the other day, but in the former case the committee granted the divorce. In the early days, after confederation, we did rely to a very considerable extent on the courts for any assistance or information that could be obtained from the judgments to be found there. Hon. gentlemen must recognize the fact unless they are *ipso facto* in favour of the principle of divorce, (and I doubt if any of them are, wholly apart from the religious aspect of the question) that it is not in the interests of the country that the domestic tie should be too freely broken up. Experience teaches us in all countries, that the greater the facilities for divorce the greater the number of cases you have. We have had 56 since confederation, and 18 of them have come up in the last three years. It is evident that the numbers are increasing, and it ought rather to be a source of satisfaction to hon. gentlemen if there was something of a brake placed upon the granting of divorces, and that we should not grant them too freely. In the case on which there was a division the other day, we felt that it was an innovation to relieve the petitioner entirely from the payment of the fee and allow her to proceed *in forma pauperis*. It was said that there were several cases in point. There was not a case in point. Mrs. Campbell was allowed to obtain her divorce without the payment of money, but it must be recollected that her husband paid $200; and there was an application on his part to get the money back and Parliament would not give it to him. That was an important factor in influencing the House to allow her to proceed without the payment of this fee. The Campbell case was before the Senate for four years; the first year it was an application from Campbell. The committee converted it into a recommendation that she should not be granted a divorce *a mensa et thoro*, and that a certain amount of money should be paid to her. It did not go through at first, but was finally granted. In reference to the other cases where money was returned, it has been the rule of Parliament where ordinary bills are brought which only go a certain distance, to return the fee. That was done in a number of cases rejected by the committee.

Hon. Mr. KAULBACH—That is the balance.

Hon. Mr. SCOTT—Yes. We entered our protest against allowing cases of that kind to come *in forma pauperis*, as being very improper and offering great inducements to persons to apply for divorce. We stated there was no practical precedent for it. The case of Mrs. Campbell could not be quoted, and the other cases had no relevance whatever: it was simply a return of so much of the money. Now I do not propose to go into this matter further than to express

the hope that those newspaper men who have so libelled the Catholic members of the Senate should, on hearing this proper explanation, withdraw the charges. I am sure the gentleman who drew up this report did it hastily without looking into the record of cases. I am sure, from the kindly feeling those gentlemen have always evinced towards the majority, that they would not desire to place them in a false position, and I for one was quite glad when it was proposed to withdraw this report, but it was only fair to those who had been so maligned and abused outside the chamber, that a correct statement should go abroad in order that our position might be justified.

Hon. Sir FRANK SMITH—I am not at all sorry that a statement of facts has been read by the hon. member from Richmond after what has taken place in this chamber. It is but fair that some such action should be taken to place the matter fairly and squarely before the House and the country, to show that the minority in the Senate are not altogether guilty of what has been stated in the press, although there may be some of them that feel that they are doing their duty in opposing divorce. The first speech that I ever made in this House was on a divorce matter. I then said it was unfair and unbecoming of any Catholic in this House to vote against a bill to divorce a Protestant. I said, moreover, that when a man or woman comes to this court—because this is the only court they have, and we are all judges—we should not question them as to what church they belong to. We should have nothing to do with that ; they come to the court and ask relief, and that relief should be given to them if the evidence is sufficient to show that they are entitled to it. I say further as a Catholic, that I can vote for a divorce bill as a member of this court, without interfering in any shape or form with my duty to my church, because I am not sent here to show my personal feelings, I am here to vote according to the evidence brought before me. That being the case, from the day I came here I have always taken the same course. I advised my fellow Catholics not to interfere with the rights of Protestants and I am pleased to see that the member from Richmond has shown that we are not guilty of what we are accused of, and that a number of Protestant gentlemen, as well as the Catholics, are opposed to divorce. It has been stated that no Protestant senator had anything to do with the opposition to those divorces, but that is not right, because several of them feel that it is not proper that divorces should be granted here. Last year I was away when the Dillon Divorce Bill was rejected in this House by a very small majority. A member spoke to me about it. I said it was unfair for people who did not believe in divorce under any circumstances to interfere with those bills, and that I would vote for the re-introduction of that bill in the House for the purpose of giving the petitioner fair play before this court; but I also told him that when it came up in the House I would not vote for the bill. I kept my word. When it came to be restored to the order paper I voted that the petitioner should be allowed to come in and get fair play.

Hon. Mr. MILLER—I voted with you on that occasion.

Hon. Sir FRANK SMITH—So it must not be put down that we are so bigoted that we would not allow any one to have rights in this House who does not feel as we do. I am not one of those who take that stand and never will be, and I am pleased now that my hon. friend from Richmond and the leader of the opposition have made a plain statement of the facts. It is just as well that the country should know that we are not as bad as we are painted.

It being Six o'clock the Speaker left the Chair.

## After Recess.

Hon. Mr. McINNES (B.C.) resumed the debate. He said :—I was very much pleased this afternoon with the calm and broad spirit in which the hon. gentlemen from Richmond, from Ottawa and from Toronto discussed the question before the House. They dealt with it in a manner that must have commended itself to every hon. gentleman here, and I will endeavour to follow the good example set me in that regard. The hon. gentleman from Richmond and the hon. gentleman from Ottawa, cited a great number of cases—in fact I think he went back to the beginning of confederation and cited every divorce case that came before

this House. As a member of that committee, and one who saw fit to attach his name to the communication which is now under discussion, I felt it only due to myself and the House to give my reason for taking that step. The cases which the hon. gentlemen cited here to day were not at all parallel to the one that came before the House a week or ten days ago, in fact there is no analogy whatever between the cases. Every case that the hon. gentlemen cited was one in which the evidence had been brought down and placed in the hands of the hon. gentlemen in this House, so that they were in almost as good a position to form a judgment as the committee who heard and took the evidence. This report that was submitted about 10 days ago to the Senate was approved by the committee unanimously, with one exception, after hearing counsel on both sides for over two hours. The committee, in order to be thoroughly seized with all the facts connected with the case, set a day apart to suit the convenience and at the request of counsel on both sides. We heard the legal aspects of the question argued fully, and with the exception of one member of the committee we were unanimous in recommending to the House that the case be proceeded with. Hon. gentlemen who were here on that occasion will remember that when the report came before the Senate for consideration, the majority reversed the decision of 8 out of 9 members of that committee.

Hon. Mr. KAULBACH—Seven out of nine.

Hon. Mr. McINNES—I beg the the hon. gentleman's pardon; the hon. gentleman from Shell River voted with the majority in the committee and the hon. gentleman from Lunenburg himself was the only member who dissented.

Hon. Mr. KAULBACH—The original chairman was not present. I am right as to the number.

Hon. Mr. McINNES—After hearing the case, the report was approved of by, at any rate, seven out of the nine members. The report made here was different from any that have been referred to in the cases cited by the hon. gentlemen from Richmond and from Ottawa. In all those cases, hon. gentlemen had the evidence before them; in this case they had no evidence, yet the House, without evidence, without having heard the arguments of counsel on either side, without hesitation reversed the deliberate judgment arrived at by a large majority in the committee; not only that, but in a most imperative way they ordered the committee to reverse their decision. While I am always willing to bow to the will of the majority of this House, I claim that it was placing the members of that committee in a most degrading and humiliating position. To be ordered to reverse our deliberate judgment and to bring in a report contrary to our judgment, contrary to the arguments which had convinced our minds, was placing the committee in a very humiliating position, and I made up my mind that I should never be placed in such a position again and even if I should be taken in charge by the Serjeant-at-Arms, I should refuse ever to submit to such an indignity again. (Cries of "order.") I am perfectly in order.

Hon. Mr. POWER—The hon. gentleman means he will not be a party to such a report again.

Hon. Mr. McINNES.—I will not serve on the committee—that is what I mean and what I intend to do. Let me give a parallel case by way of illustration; a suit before one of our courts. The arguments are heard by a jury who spend hours in listening to both sides and bring in a certain verdict: suppose outsiders, who never heard any of the arguments, should reverse the verdict of the jury, would not hon. gentlemen here consider it an extraordinary thing to do? Yet that is the position in which the majority of the committee felt themselves placed. Had it been a case in which the evidence had been adduced and submitted to the House, I for one would not feel offended, but in this case we are the judges, and I claim the only competent judges, to decide whether it was a case that should be proceeded with or not. When a jury is empanelled, I understand it is the right, and not only the right but the duty, of counsel whenever they know that a juryman has preconceived ideas in connection with the case that is to come before him, or has in any was expressed an opinion upon it, to immediately challange him and have his name struck off the list. That is the practice in our courts, and a very just

and proper one it is. We were acting as judges on that committee. We went there without having any leaning for or against the petitioner or the respondent. We judged the case on its merits, as far as we possibly could, and made a recommendation which the House rejected.

Hon. Mr. POWER—You did not hear the merits.

Hon. Mr. McINNES—We heard the statements of counsel. If we had acted hastily, or without due consideration, it would have been different, but we gave everyone a full opportunity to be heard. Every hon. gentleman when he is appointed to this House, as I understand it, assumes all the responsibilities and all the privileges attached to the position, and I claim that if the large majority of the committee have forfeited the confidence of the House they should be allowed to resign and let those who so strongly opposed our report be placed on that committee. We have divorce courts in some of the provinces and if I mistake not some of the judges who preside in those courts are Roman Catholics. Will it be said for a moment, if a divorce case came before a Roman Catholic judge in Nova Scotia, Prince Edward Island, New Brunswick, or British Columbia, that he would not be in duty bound to try that case?

Hon. Mr. DEBOUCHERVILLE—It would be against the law.

Hon. Mr. McINNES—I will read the remarks of one of the most respected members in the House, a gentleman who is looked upon as a liberal and fair minded man in every sense of the word, and who is also a Roman Catholic. I refer to the Senate Debates for 1889, at page 294. The hon. gentleman from Alexandria moved the six months' hoist in the Lowry divorce case. That was discussed for a considerable length of time and the late Mr. Carvell, late Lieutenant-Governor of Prince Edward Island, expressed himself in the following words :

Hon. Mr. CARVELL—While sympathizing very largely with the mover of the amendment, I rise to ask this honourable House to excuse me from voting, because I have not seen the evidence. I understand that it is the proper thing to furnish every member of the House with a copy of the evidence. I have not seen it, or been able to read it, and therefore, I cannot vote upon the Bill.

Hon. Mr. McMILLAN—I did move the six month's hoist in that case, and did so because I did not think the evidence justified this House in granting a divorce, and I may say further, that I was agreeably surprised and satisfied when I found that the Right Hon. Sir John Thompson in the House moved the six months' hoist to the bill on the same grounds.

Hon. Mr. McINNES (B.C.)—I have no fault to find with the hon. gentleman from Glengarry for the course that he took on that occasion.

Hon. Mr. McMILLAN—That is the only case in which I ever voted in this House on a divorce case.

Hon. Mr. McINNES—I do not want the hon. gentleman to imagine that I find fault with what he did on that occasion, but after Mr. Carvell had delivered himself, the Hon. Mr. Smith, now Sir Frank Smith, made the following remarks, to which I wish hon. gentlemen to pay particular attention :

Hon. Mr. SMITH—I rise to take the same position as my hon. friend from Prince Edward Island; I have not read the evidence, and am not, therefore, prepared to vote one way or the other. My feeling is that in this cases, the Senate is a court ; the law of the land allows people who seek relief of this charactor to apply to us for divorce ; the Senate has seen proper to appoint a committee to investigate these cases. The House, I believe, has exercised a wise discretion in selecting the best men to form a committee, inasmuch as the law of the land permits divorce under certain circumstances, though I conscientiously believe that divorce should not be granted at all. I would be disregarding my duty as a member of the Senate if I were to vote against the report without knowing anything of its merits. I do not take the ground that I have no right to vote here on such a bill ; I think I have. Although the church to which I belong is opposed to divorce under any circumstances, I say that if I were a member of that committee, and the evidence, to my mind, was sufficient to warrant the petitioner in seeking relief, and good reason was shown why separation should take place, I, as a member of that court, acting in a judicial capacity, which have a right to vote yea or nay on that subject. I do not bring my conscience in. I have no right to bring my conscience in here to deprive any person of a right which the law of the land affords him. I have taken that ground ever since I became a member of the Senate. I feel that way now, but inasmuch as I am not familiar with the details of this case I think it would be unreasonable and unjust to vote against the report. If it is possible for the committee to afford members of this House an opportunity to read the evidence in those unfortunate cases, perhaps it would be better for us all that it should be inclosed in an envelope to each member of this House, so that he could inform himself of the facts before being called upon to vote.

Hon. Mr. BOTSFORD—The evidence was circulated.

Hon. Mr. SMITH—Not in an envelope. As an ordinary printed document one may take notice of it or not. I do not speak for myself alone, but for many other members of the House who have not read the evidence and are obliged to take the report of the committee. Most members of the Senate will accept the report of the committee and if it was a matter I was in the habit of voting upon, I would consider the committee a safe guide; but still the evidence should be in the hands of everyone who is called upon to consider the bill. There may be "put up jobs;" no doubt, there are such cases, and I think the more difficult it is to obtain a divorce the better. No Catholic comes here to ask for a divorce. When we are joined together we know that it is until death parts us, but that is no reason why Roman Catholics should come in here and deny to other people, who view the matter in a different light, the rights which the law grants them. I, for one, am not prepared to do it.

Hon. Mr. POWER—The speech of the hon. gentleman from Toronto (Mr. Smith) explains a circumstance which has sometimes puzzled me. To my knowledge, he is a clear-headed, business-like man, and a conscientious man; and I have often wondered how it was that he supported some of the Government measures that have been brought before this House. His speech just now explains it. He says that when he comes here he leaves his conscience behind him.

Hon. Mr. SMITH—I say that every man that comes here should do as a citizen of the land. He has no right to let his conscience stand between him and his plain duty as a citizen—he has no right to let his religious scruples prevent him from giving to every citizen the rights that the law of the land affords him. It is on the same principle that a Catholic judge acts when he is appointed to preside in a court of law. When a matter comes before him that he conscientiously thinks is not right, does he permit that to interfere, with the discharge of his duty? No. He administers the law as he finds it.

When the division was taken the vote stood 28 for the report of the committee and 23 against it. Every Roman Catholic in the chamber (the hon. gentlemen from Toronto, and from Richmond, and some others absented themselves) voted against the bill. The hon. gentleman from Truro, the junior member from Halifax, and the late Hon. Mr. Stevens voted with the minority, but not one Roman Catholic voted with the majority. I cannot imagine a fairer or more sensible view to take of the situation than that which the hon. gentleman from Toronto described in the speech which I have quoted. I do claim that it is placing those of us who believe differently from our Roman Catholic friends in a very awkward position, and, I say it in all kindness, I do think, unless the Roman Catholic members of this House have undeniable evidence that a divorce should not be granted, they should refrain from taking any part in the proceedings. If they persist in taking the course they have hitherto pursued, I claim it is the duty of this House to insist that they shall serve on the Divorce Committee. If the present committee, or any other committee that may be formed, are not discharging their duty properly, I should like to see Roman Catholic members appointed to take our place.

Hon. Mr. SCOTT—It is a parliamentary rule that no one who is opposed to a principle should act on a committee that deals with it.

Hon. Mr. McINNES (B.C.)—I can assure the hon. member from Ottawa that there are men on that committee to-day who are conscientiously opposed to granting divorces. I know two for whom I can speak. But they recognize the duty they owe the House and have served on the committee. One outcome which I think will result from the action of the House in forcing the majority of the committee into a certain position will be the establishment before very long of a divorce court, either here in Ottawa for the provinces that have no divorce courts, or one in each of the provinces that require them. I am perfectly satisfied, notwithstanding the views held by others, that it would not increase the number of divorces. I have been a member, almost continuously, of the divorce committee for the last 13 or 14 years, and I am perfectly satisfied that in a number of cases that came before us, some years ago, where divorces were granted, a legal tribunal would not have granted them at all. I am as much opposed to the dissolution of the marriage tie as any one except for the one cause which we recognize as ground for divorce. I believe if that were made the only cause for divorce, the number would not be increased by the establishment of a court. Hon. gentlemen have referred to the enormous number of divorces granted on the other side of the line, but people can get divorces there for a variety of causes. I have heard of a lady who applied for a divorce because her husband's toe nails were long and scratched her. Other cases have occurred where the wife would not sew on buttons for her husband

and a great many trivial things like that, besides incompatibility of temper are admitted as grounds for separation. I am satisfied that the number will not increase if we grant divorce for adultery only, and it will be the means of keeping a great many Canadians at home who now go to the United States for relief instead of seeking a divorce here at enormous cost. They will remain at home and apply to our own courts for divorce instead of going over to the United States. Some 60 or 70 divorce cases have been dealt with since confederation, but that does not represent all the divorces granted to people in the provinces of Quebec and Ontario. I venture to say it is not a tithe of the number. People who were residents and citizens of those provinces, have gone over to the United States and obtained divorces. There is another reason why we should have a divorce court. Of all questions that come up before this House, this one of religion in connection with divorces has created more coolness and hard feelings than any that I know of for a number of years. As the hon. gentleman from Brandon stated the other day, "I am a peaceful man and want to live in peace and harmony with all my fellow senators, and I do not wish to be placed in a false position as a member of that committee doing my duty conscientiously and by that means perhaps getting the ill-will of some of my fellow members." I only speak for myself, but whatever course the rest of the committee, who have placed their resignation before the Senate, may take, it is not my attention to serve on that committee again.

Hon. Sir FRANK SMITH—I am very much pleased with the remarks of the last speaker and the compliments he has paid me, I am sorry that he is the only one who insists upon his resigning from that committee. I am sorry that he takes the ground that that committee is infallible. I regret to see him take such a course, because he is the only one that has announced that he intends to resign and is unwilling to serve. If I understand matters right, the rest of the committee are willing to abide by the voice of this House. I have always understood that a committee in all cases are subject to the voice of this House, and I do not think it detracts their dignity in any shape or form if once in a while the House may see fit to reconsider their reports. The hon. gentleman says it is not the reconsideration that he complains of, but sending it back to the committee. That is not rejecting altogether; when it is sent back you can deal with it again.

Hon. Mr. McINNES (B. C.)—But it was making us do a thing that we did not believe in, and that we could not conscientiously recommend to the House.

Hon. Sir FRANK SMITH—When the report of any committee comes before the House, the majority have a right to reject it, and I think it is a very strong stand that the minority are taking—

Hon. Mr. McINNES (B.C.)—No, the majority.

Hon. Sir FRANK SMITH—That one of the committee has taken in this House, that he will not serve any more because the House sends back a report to them. That is a stand that ought not to be taken by any gentleman under the circumstances I hope that every other member of the committee will do his duty and serve for the rest of this session without putting the House to any more trouble and annoyance, or circulating an erroneous report through the country about the course we have taken. I hope it will be a long time before such a difficulty occurs again, and that the hon. member from Victoria will reconsider his threat and go back and serve like a man on that committee, and bring in his reports in accordance with the judgment of the majority of the committee.

Hon. Mr. KAULBACH—I regret very much that certain members of the committee gave notice that they decline to act, fortifying it with allegations which were not consistent with facts and which have been disproved by the evidence given here to-day. In no case has there been any justification for the assertion that this House has failed to act conscientiously and in a spirit of justice. My hon. friend gives as his reason for the course he is taking the action of the House in the Odell case. I go on the principle that the committee is simply drawn for the convenience of the House to take evidence and report to the Senate according to their views. They are not the conscience of this House. Every member of the Senate has

the same freedom of forming his own conclusions and voting as he sees fit, on what grounds concerns himself. He has a right to exercise his calm conviction of the merits and justice of each case, and he should not be influenced in any way by the finding of that committee. I have found myself in the House, as I have frequently found myself in the committee, with the minority, and the great inconvenience I felt was that many members of this House did not consider my views at all upon the matter, but were governed largely by what the committee reported, not taking into consideration the merits of the case and judging for themselves, and therefore I would say the minority of that committee have more right to complain than the majority. In reference to the Odell case to which my hon. friend from New Westminster refers, I think if there was any case which came before us in which the House were fully vested with all the facts it was that case. We had all the evidence that was before the committee; we had the petition of the respondent; we had the exemplification of the courts; we had everything that was before the committee except the argument of counsel on either side, and we know that they can do. I did not pay much attention to them; the case was too simple to require any of their arguments. The question was this? Shall we interfere with the courts which have the matter under consideration? I repeat there never was a case in which the House was more fully vested with the whole of the facts than this Odell case, and each member of this Senate, regardless of the report of the committee, could exercise his own judgment and act accordingly without any disrespect to the committee, because it was not a case where evidence was taken and where the character of the witnesses contributed largely to the judgment of the committee. In a case of that kind there may be some force in the hon. gentleman's arguments, but this is not one of those cases at all. But are we to be told that because a majority of a committee report one way this House should be in duty bound by it? The fact of the matter is, I stood alone on the committee in favour of respondent's petition. What was the result? The hon. member from Marquette, on the committee voted with the majority against my views, but when he came here and heard the wisdom of this House—in the multitude of counsel there is wisdom—changed his opinion and voted with the majority against the finding of the committee, and in favour of the minority of the committee, which was but myself.

Hon. Mr. MILLER—The motion in the case to which the hon. gentleman alludes was carried by a majority in which were five of the leading Protestant members of this House, including the Prime Minister.

Hon. Mr. KAULBACH—Yes, it was. When the House had an opportunity to form its own conclusion upon the matter and the whole case being reasoned out, they simply sent the report back to the committee with instruction to carry out the views of the House. I do not see that there was any indignity cast upon the members of the committee. While serving on this committee I have generally exercised my independent judgment, yet I have not considered it a personal reproach to have the Senate decide against me. The only trouble I have found in coming before the House is that the views of the minority are not fairly considered. No matter how large or how small the minority may be, the finding of the committee has a greater effect than it ought to have, because every honourable gentleman here should exercise his independent judgment, apart from what the finding of the committee may be. The only way to expedite the business of the House is to collect the evidence and to make the report for the determination of this House upon their own independent jugdment. My hon. friend contends that the Roman Catholics of this House do not exercise their judgment and do justice in the case, but that they act according to their religious convictions. I have found it quite the contrary. In the Dillon case I was alone on the committee; I was in the minority but I believe the sense of this House was with me, I believe that hon. gentlemen whom I see before me were with me and believed that the questions I asked as to the faithfulness of the petitioner to his marriage vows before and after he abandoned his wife were proper questions to ask. I simply wanted to have those questions put upon the minutes and let this House determine the matter; but the questions were not allowed. I believe the hon. member from Richmond was with me; I believe he thought that I had a right to ask those

questions and have them put upon the evidence and with the answers.

Hon. Mr. MILLER—I must be bound by my vote on that occasion. I voted against the hon. member.

Hon. Mr. KAULBACH—The hon. membar merely voted to have it placed back on the paper for consideration.

Hon. Mr. MILLER—I did not vote on the main motion, but I voted on a side issue tending to promote the divorce.

Hon. Mr. KAULBACH—Upon the first division we had a majority in favour of my minority report. We had hon. gentlemen from the North-west Territories, we had an hon. gentleman from St. John, and hon. gentlemen from British Columbia and others who supported me in it, not only by their vote, on the first occasion, but by their views expressed in this House, and then when the case was restored to the order paper they declared that because it was made a religious question, they voted against me or abstained from voting. The hon. gentleman from Hopewell admitted he was with me, but simply because it became a religious question he voted with the Protestants.

Hon. MEMBERS—Order, order.

Hon. Mr. KAULBACH—I know that to be the case, I am speaking advisedly. He would not deny it if he were here; and there were also some six or seven Roman Catholics who abstained from voting when their own consciences were with me, but to avoid voting upon a question of this kind, they withdrew from the chamber thus showing that Catholics do not, as has been alleged, negative divorce bills without regard to evidence on religious grounds. In this Dillon case they did not even vote when justice demanded it. On the second vote the bill was carried by a majority of one for the reason and in the manner I have just now described; and it went down to the Commons, and how was it treated there? The majority of the House sustained my contention and sent it to a committee to have that very evidence, which I contended for as to his own guilt, taken, and the committee reported that they could not get the evidence, because the man was away in England. Not having got the evidence, they determined they would adopt the bill. But my contention was thoroughly sustained by the vote of the House that that evidence was proper and should have been taken, and it was not taken because the party was not in the country, therefore, I was thoroughly sustained on that question, and whenever it comes up again, as long as I am a member of the committee, that question will be asked by me.

Hon. Mr. MACKAY—Have you ever asked it since?

Hon. Mr. KAULBACH—I never saw any case which came before us where the question was pertinent. The cases were such that they did not suggest such a question. If my hon. friend will refer me to any one case in which that would have been a pertinent question, I would like him to do so. I regret that this matter came up in the way in which it did in this House. It took the House by surprise. No one supposed there would be a report of committee when there was no meeting held. The report, which in fact was no report of the committee, has gone to the country that this Senate is not capable of conducting divorce cases with justice and in a calm and deliberate manner. I am glad that the hon. member from Richmond and the hon. member from Ottawa have fully answered the statements made by the majority of the committee to the House, and have shown that there is not one case since confederation where ample justice has not been done to the party.

Hon. Mr. MILLER—With one exception.

Hon. Mr. KAULBACH—With one exception, the finding of the committee was always confirmed by the House, and in that case the action of the House was justified by the result of the litigation afterwards taken upon it. I have taken a calmer stand on this matter than I would have done if the chairman of the committee had pressed the objections which he raised in sustaining his withdrawl from the committee. As to the statement of the long hours which the committee consumed in hearing these cases, I do not think we sat twenty hours altogether, and during that time we had been honoured by three chair-

men before we got through with the cases, so I do not think my hon. friend is satisfied in claiming the forbearance of this House, or that the judgment of the Senate shall be warped in the interest of the committee, or to consider more favourably than they otherwise should do the finding of the committee in consequence of the onerous duties which the committee had imposed upon them. Whenever I have voted with the minority, I did it because I felt it my duty to do so. I only hope the House in future will pay better attention to the views of the minority of the committee, and not do as they have been doing in the past, vote with the majority and in many cases regardless of the good judgment of the minority and the impression it ought to have upon their favourable consideration. Everybody knows that whilst doing my duty conscientiously I do not believe that divorce courts elevate women, or increase the harmony or happenings of domestic life or the morality of the people.

Hon. Mr. BELLEROSE—It was not my intention to say much on this question, as I did not hear what passed before six o'clock, but I have been in my seat since recess and have heard two different reasons given in favour of the course followed by the majority of the committee on divorce. The first is, that the committee think they have been ill-treated by the House in two ways, by their report having been set aside and by being instructed to change their decision. What is the difference between a divorce bill and any other bill? I can see no difference. Those bills are referred to select committees, whether you call them committees on Divorce, on Railways, on Standing Orders, on Banking and Commerce, or Private bills,—they are committees of this House and they have to submit to the will of the majority in the Senate. Is there a gentleman in this House who ignores the fact that in England bills have been referred back to committees several times? Indeed, cases have occurred in which they have been recommitted no less than seven times. Was that considered an insult to the committee? No member of the House of Lords ever regarded it in that light. In England the committees bow to the will of the House and report the amendments ordered by the House, or in the direction indicated or suggested by the House. That is my reply to the first reason that has been given. The second reason assigned is that a certain number of gentlemen in this House do not believe in divorce. That is true. Are there not, in the House of Lords, in England, a good many Roman Catholics, and has a single Lord ever risen in his place to complain because Roman Catholics would not vote for divorce? Not at all. They would be ashamed to do it. They are their peers. No doubt there was a time when in England Roman Catholics were ignored, nay when they could hold no position under the crown. I remember many things of which I have read in the history of England, but those dark days have long passed away. Would hon. gentlemen revive that part of British history? Surely not. Then it is better to let the matter drop and let every senator follow his convictions. It has been said by other gentlemen that Roman Catholics do not vote against divorce as a matter of principle, but there are always a good many Protestants in this House who vote with them. Are they also to be forced to step aside and let the majority of this House, who are generally in favour of divorce, act on divorce bills alone? That is not a reasonable proposition. Even if it were done, we have had to go further than that. I know gentlemen in this House who vote for divorce as a matter of principle, but do not like to grant divorces, because they say it is a cause of demoralization, and the less divorce we grant the better. Those gentlemen also, I suppose, would have to step aside. It shows the absurdity of that argument. In every part of the world there are men who hold different opinions and they are not set aside because of their conscientious difficulties. I am only sorry that this matter has gone so far. I believe the best course would have been to withdraw the report and let us hear no more of it.

Hon. Mr. McMILLAN—That has been done. This debate is on a motion to adjourn.

Hon. Mr. BELLEROSE—I know; that is the first thing I inquired about when I came in at 8 o'clock. I was told there was no question before the House but the adjournment, yet we are speaking on the question of this communication from certain members of the Divorce Committee.

Hon. Mr. PROWSE—I am sorry that this question has intruded itself upon the

attention of the Senate. When the committee reconsidered their decision and were prepared to withdraw their resignation, the matter should have dropped and we should have had no further discussion on the subject, but the hon. gentleman who forced the discussion, on a motion to adjourn, must take the responsibility of this discussion.

Hon. Mr. MILLER—Hear, hear.

Hon. Mr. PROWSE—I am not at all in sympathy with the hon. member from New Westminster when he declares his determination not to serve again on this Divorce Committee. I think he goes very close to the mark of throwing contempt on the Senate.

Hon. Mr. McINNES (B.C.)—I want to have a better man in my place.

Hon. Mr. PROWSE—He is only following the example of a large number of gentlemen in this Senate who have taken that course for a number of years past. I take it that every man occupying a seat in the Senate is bound by his acceptance of the position to fulfil the duties imposed upon him by the constitution. We are here as a parliament, and parliament has relegated to this branch particularly the duty of examining into such cases, and on this question of divorce it is actually a court and every member is a judge and cannot divest himself of the responsibility connected with that position, whether he is a Roman Catholic or a Protestant. This discussion may bring about a change which will eventually lead, perhaps, to the establishment of divorce courts within Ontario and Quebec. Perhaps it will be the best way to settle the difficulty. I have not thought so hitherto, but if there is to be a deadlock in the Senate that is probably the best way to get over it. If one member of the committee can say to the Senate "I will not under any circumstances serve on this committee," he is throwing out a challenge to every hon. gentleman to take the same course. That is the position taken by the hon. member from New Westminster, and I object to it. I think it is very improper. The committee have something to complain of in the way they have been treated in regard to this question, but the committee themselves are somewhat to blame in initiating the trouble. We find in the fourth report of the Divorce Committee the following :—

3. Your committee have also carefully considered the petition of the said Marie Louise Laurentine Gregory, the respondent in this matter presented to your honourable House on Monday, the 29th of April instant, praying that in view of an acti on *enséparation de corps et de biens* now pending between the said parties and in appeal to the Supreme Court of Canada from the judgment of the Court of Queen's Bench for the province of Quebec, she may not be subjected to a double trial, and that the bill of divorce may not be taken into consideration until such time as the issue raised in the civil courts, now pending in the Supreme Court of Canada, be finally determined.

If they had stopped their report there, they could have gone on with the examination of the case and heard all the evidence and would not have given the Senate an opportunity of saying whether this should be postponed until the Senate was in possession of the evidence. But they went further and said :

4. On consideration of the said petition of the respondent and of the certified copy of the judgment of the Court of Queen's Bench for the province of Quebec filed therewith, your committee recommend that further action on the petition of Loop Sewell Odell be deferred until such time as the respective parties have been heard by counsel before your committee and report thereon has been made by your committee.

There was no necessity for these words. If they had not declared themselves in favour of reporting to the Senate before they heard the evidence, we should have had the evidence and decided the case upon its merits. They did report after hearing the arguments. An objection has been raised against the contention of the committee that an unfair decision was given by the Senate because the committee, under the instruction of the Senate, heard the parties interested by counsel and one hon. gentleman said that is a very different matter from hearing the evidence. The highest courts in the empire do not usually hear evidence. They hear the question argued by counsel, and the decision is often given simply on the arguments of counsel. Cases are cited, precedents given, and the arguments are made to the court, and the decision is given on the arguments. The committee had all these arguments before them and precedents cited. The Senate had no evidence at all, and after the Senate gave instructions to the committee to go on and hear the arguments of counsel——

Hon. Mr. MILLER—What is the argument based on? The evidence, is it not

Hon. Mr. PROWSE—The hon. gentleman does not know what it was based on ; he did not hear the arguments. We were asked to come to a decision without hearing evidence or arguments, and if we intended to come to such a decision it was when the fourth report was presented and we should not have allowed the committee to go on and hear the argument of counsel. After the argument of counsel had been heard and the committee reported back to the Senate, the House turns round, without hearing the argument at all, and says "your decision is wrong." I think it is throwing quite a reflection upon the hon. gentlemen who heard the argument. I wish to say just one word in reference to the speech delivered by the hon. gentleman from Lunenburg. We must regard that hon. gentleman as very high authority indeed in this House and outside of it. He tells us that we are too much in the habit of voting with the majority, that we should pay particular attention to the minority of that committee. I suppose he would introduce the system that two or three gentlemen in this Senate—of course they would have to be lawyers, and I suppose the chairman would have to be from Nova Scotia, and he would like that position himself very well—are to influence the House. We are not to go by the opinion of the majority of the committee on divorce, but we are to pay more attention and respect to the minority of that committee who have been giving a good deal of trouble not only last session but this session also. I see no reason why every member of this Senate should not be eligible and be required to take a fair share of the responsibilities of all the committees connected with the Senate, including the divorce committee. We can exchange views on all these questions and come to a decision outside of our religious convictions, and I think we will get along more harmoniously than if members of certain churches holds aloof from this question altogether. I do not think there is any necessity for it, and the only way that harmony and good understanding can be kept up is by working with a good understanding one with the other.

Hon. Mr. MACDONALD (B. C.)—The hon. gentleman from De Lanaudière asked such an extraordinary question that I cannot refrain from answering it. He asked what was the difference between a railway bill and a divorce bill? I am surprised that a gentleman holding the views that he does should ask such a question. He looks upon marriage as a sacrament, and a bill to dissolve that marriage must be more sacred than a railway bill. Besides, a divorce bill is a criminal proceeding, any other bill is not a criminal proceeding, and therefore there is a vast difference between the two. The statements made by the hon. gentleman from Richmond and by the hon. gentleman from Ottawa have shown us that the Roman Catholic members of this House have been even more liberal than many of us supposed in matters of divorce—that they had not given the opposition which many of us supposed they had given. They have only to go a little further and they will be altogether lovely—let them take part in all the proceedings and functions of this House and act upon the divorce committee as they do on other committees. Supposing the majority of this House were Roman Catholic members how could a divorce be obtained from Parliament? It would be utterly impossible and therefore the hon. gentlemen of that religion will see how illogical the course they take is. They are here, as the hon. gentleman from Toronto put it, not to carry out their religious convictions but to carry out the *quasi* judicial functions imposed upon them by the constitution, nothing more and nothing less, and whenever divorce proceedings are before the House they should be guided by the evidence only. If every member of this House were to follow the example of those hon. gentlemen and refuse to act on the divorce committe, could divorce be granted? It would be absolutely impossible, and I would not be at all surprised to find next year that nearly every member of this House would refuse to serve on a divorce committee. If we come to that position it will be necessary, in the interest of the country and in the interests of public moralty, that a divorce court should be established. Why should we be behind England in this matter? England some 40 years ago had the same system that we have now, and it was found very cumbersome and expensive ; and it was the court for the wealthy man and not for the poor man. Before a divorce could be granted in parliament an ecclesiastical court had first to find a decree, an action for crim. con. commenced, and after that a bill was brought into parliament to dissolve the marriage and enable the par-

ties to marry again. That was found a very cumbersome proceeding. The next step was, instead of referring bills of divorce to the whole House of Commons, they were referred to a committee of nine, and after the committee of both Houses had decided on the measure, they would report upon it and it was accepted by Parliament as satisfactory and conclusive and there the matter ended. Then I think in 1850 a committee was appointed by the House of Lords to go into the matter of divorce and to report to the House on that subject. That committee took two years before they made their report and finally reported in favour of a bill and in 1857 the first bill of divorce was introduced in the House of Lords. The Lord Chancellor of that time, Lord Cranwood, Lord Lyndhurst, the Duke of Argyle and other eminent men spoke in favour of it and the bill became law. Why should we in Canada be behind England in this matter? If England, with all her experience in public affairs, thought proper to establish a divorce court, why should we behind in this matter? Surely our Roman Catholic friends and colleagues would not object to a thing of that kind. It may be said that divorce courts will multiply the number of divorces. I would just as soon have divorces cases multiplied as to have vice smothered, as it would be, rather have divorce than that class of crime; the difficulty of obtaining divorces does not prevent vice—it only covers it up. Divorce legislation cannnot be carried on in this House unless the Roman Catholic members take their part with other members of this House and perform all the functions of parliament.

Hon. Mr. LANDRY—As the mover of the amendment that was brought before this House to the report of the committee, I wish to explain my position and supplement the statements made by the hon. gentleman from Richmond. The hon. gentleman from King's County, P.E.I., gave us the reason of the report of the divorce committee. I could supplement his information by reading what the chairman of the divorce committee said before the House when he presented his report. He said:

The counter petition desires that the proceedings before this House seould be stayed pending the hearing of the case before the Supreme Court of Canada. The disposition of the committee is that there should be no interference with the proceedings now pending before the court, but that all the facts should be before the committee.

He gave us in plain words, speaking in the name of the committee, an idea of the disposition of the committee itself, telling us that the committee was disposed not to interfere at all with the case pending in the courts. What did we do? We met their views. Then they came with another report recommending interference with the case that was before the courts. We had met their first view, and I proposed an amendment that the report be sent back to the committee to be put in the form that they had given to their first report. The hon. gentleman from Richmond cited cases to show that this House since Confederation the Roman Catholic members have never opposed divorces except on side issues.

Hon. Mr. MILLER—No. I said that I had never opposed them myself except in the first case brought before the House in 1867–68. I did not include all the members.

Hon. Mr. LANDRY—I go further, and I say not only did they not oppose it, but Roman Catholics have voted with the majority, and the votes given by the hon. gentleman from Richmond and the hon. gentleman from Toronto last year prove that position.

Hon. Mr. MILLER—That was not on any reading of the bill; it was on a side issue.

Hon. Mr. LANDRY—It was on the three months' hoist.

Hon. Mr. MILLER—No.

Hon. Mr. LANDRY—Look at the Debates, page 86, and you will find that I am right.

Hon. Sir FRANK SMITH—It was simply to place it on the paper to be heard when there was a full House.

Hon. Mr. LANDRY—When the third reading of the bill came up on the 21st of June, I moved that the bill be sent back to the committee to allow those questions to be put that the minority had tried to put in the committee. That proposition of mine was rejected by a vote of 20 to 22.

Hon. Mr. MILLER—I voted against it.

Hon. Mr. LANDRY—The hon. gentleman voted against it and so did the hon. gentleman from Toronto. Had those two Roman Catholics voted for my amendment, we would never have heard of the bill again.

Hon. Sir FRANK SMITH—We thought your amendment was unfair.

Hon. Mr. LANDRY—The hon. gentleman does not understand the point that I am making. I say, to supplement the information given by the hon. gentleman from Richmond, that not only have Roman Catholics not prevented divorce legislation in this House, but it was through Roman Catholics that the legislation was allowed to pass in this House last year.

Hon. Mr. McINNES (B.C.)—There is no analogy between that case and the case this year. We had evidence then; we have none now.

Hon. Mr. LANDRY—The hon. gentleman from Prince Edward Island said just now that the course taken by the hon. gentleman from New Westminster in refusing to act on the Divorce Committee, was the course taken by all the Roman Catholics in this House. I deny that. I have never been asked to serve on a Divorce Committee. Who are the Roman Catholics in this House who have refused to act? Why did you not ask them? Because you know that there is a rule in this House which says that when a man has pronounced himself on a matter which is to be brought before a committee, he cannot act on that committee. The same thing applies to a judge. If a judge pronounces himself on a question he cannot act as a judge upon it, and if a judge is known to be in principle against divorce I do not think he would be able to act as a judge in a divorce case. Now, as to the difference between a railway bill and a divorce bill, I do not see the appropriateness of the remarks of the hon. gentleman. He did not exactly state the arguments of the hon. gentleman from De Lanaudière. That hon. member did not say that there was no difference between a divorce bill and a railway bill, but that he did not see the difference between the course taken by this House in in refusing a railway bill or refusing a report on a divorce bill. As to the argument made before recess by the hon. member from Toronto, I have nothing to say. He has stated his own profession of faith, but I will not take it as mine.

Hon. Mr. MILLER.—If no other hon. member desires to speak, I ask leave to withdraw my motion.

The motion was withdrawn.

## THIRD READINGS.

Bill (63) "An Act respecting the St. Lawrence and Adirondack Railway Company."—(Mr. Read, Quinté.)

Bill (64) "An Act respecting the Canada Southern Railway Company."—(Mr. MacInnes, Burlington.)

Bill (70) "An Act respecting the Temiscouata Railway Company."—(Mr. Casgrain.)

## PENITENTIARY ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. ANGERS moved the third reading of Bill (66) "An Act further to amend the Penitentiary Act."

Hon. Mr. POWER—When the House was in committee on this bill, I called the attention of the hon. Minister in charge to what I considered a defect in the third clause of the bill, and I think that the matter is of sufficient consequence to ask the attention of the House to it. This clause provides that when the surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane and ought to be removed to an asylum for the in ane, the warden shall report the fact to the inspector; and the second sub-clause reads:

> The Governor General may thereupon, if an arrangement exists with the Lieutenant Governor of any province for the maintenance of such convict in an asylum of such province, by warrant signed by the Secretary of State or such other officer as authorized by the Governor in Council in that behalf, direct the removal of such insane convict to the custody of the keeper or person in charge of such asylum for the unexpired portion of his sentence.

It will be observed that this sub-clause does not specify to what asylum the insane person is to be removed. I put the case of the maritime provinces. We have only

one penitentiary for the three maritime provinces. That penitentiary is situated in the province of New Brunswick, and my impression is that under this sub-clause the insane would be sent to the insane asylum in St. John, even though the prisoner came from Halifax, or from Dartmouth, where the Nova Scotia asylum is situated. It was stated by the hon. Minister of Agriculture that it did not make much difference where you sent the prisoner to, that he did not deserve any consideration, but I do not think the House would be disposed to endorse that view. It is a great misfortune, even though a man is a criminal, to have the additional affliction of being insane; it is a cruel thing to place him in an asylum where his relations and friends can have no access to him, and I do not think there is any desire on the part of government or the department of justice, to do anything of that sort. I propose to submit an amendment in the shape of a proviso to be added at the end of this sub-clause to which I do not think any objection can be made :

That the said bill be not now read for the third time, but that it be amended by adding to the second sub-clause of the third clause thereof, the following proviso: "provided always that if such an arrangement as is mentioned in the beginning of this subsection exists with the lieutenant-governor of the province in which such convict has been convicted, the warrant hereinbefore mentioned shall direct the removal of such insane convict to the custody of the keeper or the person in charge of an asylum for the insane in such province."

The objection taken by the Minister of Agriculture to a somewhat similar amendment which I suggested in the committee was that there might not be any arrangement with the lieutenant-governor in the province in which the offender had been convicted. This amendment is limited to the case where such arrangement does exist, and if an arrangement exists with the Lieutenant-Governor of Nova Scotia, I think it must strike every hon. gentleman in this House, that if the prisoner becomes insane and has to be sent to an insane asylum, that prisoner, having been convicted in the province of Nova Scotia, should be sent to an insane asylum in that province and not to the insane asylum at St. John.

Hon. Mr. SULLIVAN—I think this clause is an exceedingly good one. I have had practical observation of the penitentiary at Kingston, where the convicts are kept under the guidance of the attending physician. The argument which the senator from Halifax adduced would not strike any physician as having a great deal of force. Asylums may have special qualities, and I am sure that no one connected with the government would for a moment think of doing anything with an insane person but what was best for him, and if there be asylums throughout the country which may have any special qualities better adapted for the restoration of the reason of an insane convict, why not allow such a patient to be sent there without specifying the province? In my opinion there is a great deal of difference in the insane asylums of the several provinces of the country, and if I were to have the judging of the places where these persons were to be sent, there are special places which I know to be better than others to send them to. I need not mention the names at present. It is very wise to leave the clause as it is in order that the Secretary of State, or whoever has charge of those places, should place them where it is best calculated for their benefit. I do not know of any change which the government has made of a more humane character than this one. I should advise the senator from Halifax to leave the clause as it is, because their friends are of little consequence to the insane. In most cases it is better that they should be away from their friends. It generally has a disquieting influence on their minds, and, therefore, I would certainly favour strongly leaving it undetermined or non-specific.

Hon. Mr. POWER—I am convinced by the argument of the hon. gentleman from Kingston, and I withdraw my motion.

The bill was then read the third time and passed.

## BANKERS' LIFE ASSOCIATION OF CANADA BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (26) "An Act to incorporporate the Bankers' Life Association of Canada."

Hon. Mr. SCOTT—I think this is a most misleading bill. It is an Act to incorpor-

ate the Bankers' Life Association of Canada. I am advised that this has no possible connection with any bank in Canada, or the officials of any bank, and it must be apparent to any hon. gentleman that the very name will enable the agents of the insurance company to entrap a lot of people under the impression that it is a bank. It is a fraud on the public that such a name should be taken. We have been proud of our banks, and it would be monstrous to allow that name to be taken by an insurance company. They think the name is attractive, and it will enable the agents of the company to mislead the people and get them to take out policies. They will say it is a bankers' association and, therefore, sound. I was in the committee in the other House, and there was strong opposition to it there. One member told me that he hoped we would look after it in the Senate and not let it go through.

Hon. Mr. OGILVIE—Is it a life insurance company?

Hon. Mr. LOUGHEED—I understand it is a life insurance campany. When this bill goes before the committee, hon. gentlemen on the committee will have an opportunity of hearing a full explanation with regard to what the applicants desire. The bill has passed the other House. The inspector of insurance, representing the Department of Finance, was before the committee, and the matter was duly explained, and in the wisdom of the committee, and in the wisdom of the House of Commons, the bill was duly passed. I want further to say, in regard to the title of the bill, that while my hon. friend may be correct in saying it may be misleading to some extent, yet there is nothing to prohibit anybody else from using the same name and the difficulty that was presented there was this, that there is an insurance company with a similar name in the United States, who propose coming into Canada and obtaining a license here and doing business under the same name. The inspector of insurance when asked before the committee if the Department of Finance would give to that company a license for the purpose of carrying on life insurance, stated that they would.

Hon. Mr. SCOTT—On, no, no, no.

Hon. Mr. LOUGHEED—I say yes, yes, yes.

Hon. Mr. SCOTT—I do not think the government would do such a thing as that.

Hon. Mr. LOUGHEED—It was stated by the officer of the government, Mr. Fitzgerald, and I prefer taking the statement of the gentleman charged with that particular duty, to the statement of one who is not charged with it. However, the committee is the arena for fighting this thing out, and my hon. friend from Ottawa will be there to fight it out.

Hon. Mr. OGILVIE—I do not think that the title of the bill is fair, just or proper. I care not what has been done in the other House. I quite agree with the hon. member for Ottawa that the title to that bill is a most misleading one. The bankers' association is not a life association, and if there is an insurance company with that name coming from the United States here, it must be a precious small and insignificant one, because I think I am very well posted in the names of insurance companies in the United States and Canada, and I never heard of that company before. No matter what was done in the other House, I am perfectly positive that that name is misleading, and should not be allowed by us to be used for an insurance company. There is no company in Great Britain under that name, where they are very particular about names, and I know that our company had to fight a long time before we could get a footing in London to be able to carry on our business there. I quite agree with the hon. member from Ottawa that the name is misleading and the bill should not be passed without a change of title.

Hon. Mr. SCOTT—I am surprised to hear the hon. gentleman make the statement that the government are bound to give a license, if they disapprove of the company.

Hon. Mr. LOUGHEED—No, the statement was made to me by a member of the House of Commons that the inspector of insurance, when asked before the committee if an insurance company doing business in the United States should come over to Canada—and I am informed that such a company does intend coming over here—would

the government issue a license to them, and he said they would.

Hon. Mr. POWER—It does not bind any one.

The motion was agreed to.

## SECOND READING.

Bill (31) "An Act to incorporate the Canadian Sick Benefit Society."–(Mr. McMillan.)

## DOMESTIC AND FOREIGN MISSIONARY SOCIETY'S BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (101) "An Act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada." He said:—This is a bill from the House of Commons having for its object the incorporation of the Domestic and Foreign Missionary Society of the Church of England in Canada. This is a society created by the provincial synod of the Church of England, representing the dioceses of Nova Scotia, Quebec, Montreal, Toronto, Niagara, Huron and Algoma and its object is to collect and to administer the general missionary funds of the church in those dioceses. It is proposed that it should be incorporated for that purpose and under a canon of the synod constituting the association itself, which canon is set forth in the schedule appended in this bill.

The motion was agreed to.

## GREAT NORH-WEST CENTRAL RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. CLEMOW moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (No. 45) "An Act respecting the Great North-west Central Railway Company."

The motion was agreed to and the bill was then read the third time and passed.

## ST. CLAIR AND ERIE SHIP CANAL COMPANY BILL.

SECOND READING.

Hon. Mr. VIDAL moved the second reading of Bill (No. 77) "An Act to amend the Act to incorporate the St. Clair and Erie Ship Canal Company." He said:—It is simply a change increasing the amount of the bonds to be used, from five million dollars to eight million dollars.

The motion was agreed to.

## JAMES BAY RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. McMILLAN moved the second reading of Bill (No. 87) "An Act to incorporate the James Bay Railway Company." He said:—I may say, by way of explanation, that this is a bill to incorporate a railway company to build a road from Parry Sound to French River, and from there to Lake Wahnapitae and thence to Moose River on James Bay. They have a capital of one million dollars and bonding privileges of twenty-five thousand dollars. I have no doubt any explanations which are required will be given in the Railway Committee.

The motion was agreed to.

## DOMINION ATLANTIC RAILWAY COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (48) "An Act to incorporate the Dominion Atlantic Railway Company."

The bill was read the first time.

Hon. Mr. POWER—I mentioned at the second reading of the bill of the Windsor and Annapolis Railway Company that there was a companion bill which would be brought up and this is the bill. It is to incorporate a company to take over the property and franchise and business of the Windsor and Annapolis Railway Company, which company carries on business, as I stated yesterday, under the English Joint Stock Companies Act of 1862. I may say that the manager of this company is remaining here at great inconvenience and at considerable expense and that certain circumstances have happened within the last two days which render it almost absolutely necessary that he should leave the capital. It is therefore desirable that this bill should go before the committee at the earliest date possible. I understand the government are perfectly

cognizant of all the details of the bill, and there can be no substantial objection to advancing the bill. I therefore move that the 41st and 60th rules be dispensed with so far as regards the bill intituled "An Act to incorporate the Dominion Atlantic Railway Company."

The motion was agreed to.

Hon. Mr. POWER moved the second reading of the bill.

The motion was agreed to.

## BILL INTRODUCED.

Bill (85) "An Act to incorporate the Hamilton and Lake Erie Power Company."—(Mr. MacInnes, Burlington.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 21st June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (79) "An Act to incorporate Gilmour and Hughson, Limited," as amended.—(Mr. Clemow.)

Bill (53) "An Act respecting the Manitoba and North-west Loan Company, Limited."—(Mr. Lougheed.)

Bill (83) "An Act respecting the Eastern Assurance Company of Canada."—(Mr. Power.)

## SECOND READINGS.

Bill (60) "An Act respecting the St. Catharines and Niagara Central Railway Company, and to change the name of the company to the Niagara, Hamilton and Pacific Railway Company."—(Mr. Lougheed.)

Bill (62) "An Act respecting the Buffalo and Fort Erie Bridge Company."—(Mr. Lougheed.)

## HAMILTON AND LAKE ERIE POWER CO.'S BILL.

SECOND READING.

Hon. Mr. MACINNES (Burlington) moved the second reading of bill (85) "An Act to incorporate the Hamilton and Lake Erie Power Company." He said: This bill is for the purpose of utilizing the water power of the Niagara and Welland Rivers. Many of the incorporators are known to myself personally as men of high standing financially. The bill also provides that they are required to take care of the water. There are a great many clauses in the bill, which will no doubt be fully considered in the committee to which it will be referred.

The motion was agreed to.

## BILLS INTRODUCED.

Bill (74) "An Act further to amend the Act to encourage the development of sea fisheries and the building of fishing vessels."—(Mr Angers.)

Bill (22) "An Act further to amend the Act respecting Dominion notes."—(Mr. Bowell.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, 24th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BRITISH COLUMBIA PENITENTIARY.

Hon. Mr. McINNES (B.C.) moved that the following motions be postponed until July 2nd:—

That he will call the attention of the Senate to the report of Judge Drake, a commissioner appointed by the Government of Canada to investigate charges of irregularities in the British Columbia Penitentiary, and the presentment of the grand jury at New Westminster denouncing the reinstatement of James Fitzsimmons to the position of deputy warden of said penitentiary as "an insult to the self-respecting portion of this community";

also, to the annual reports of J. G. Moylan, late inspector of penitentiaries.

That the Senate regards the prompt dismissal of James Fitzsimmons, deputy warden of the British Columbia Penitentiary, and the appointment of a Royal Commission (similar to that held by Mr. Justice Drake, in 1894, to investigate charges of irregularities in the British Columbia Penitentiary) to investigate charges of official miseonduct on the part of J. G. Moylan, while acting as inspector of penitentiaries, as necessary in the interests of the public service.

Hon. Sir MACKENZIE BOWELL—I have made inquiry in reference to the delay that has occurred in bringing down the returns relating to the New Westminster penitentiary which the hon. gentleman asked for some time ago and find that the Minister of Justice, in order to save expense, asked the House of Commons to make a copy of the report and send it to him, and it had not yet reached him, but he will immediately make inquiry of the Clerk of the House of Commons to know why it has not been done.

Hon. Mr. McINNES (B. C.)—I have no intention of proceeding with these motions until the papers, to which the hon. Premier has referred, have been placed on the Table of the Senate.

Hon. Mr. MILLER—I would suggest to the hon. gentleman that it would be advisable to alter this first motion to bring it within the rules of the House. It directs attention to a certain matter but does not end with an inquiry or a motion; it should be followed by either one or the other. We have gone so far as to attach inquiries to statements, thereby bringing the statements within the rules of the House, but there is neither inquiry nor motion in this instance.

Hon. Mr. McINNES (B.C.)—I am very much obliged to the hon. gentleman for directing my attention to the fact. I will amend the motion in the manner that he has suggested before I move it next week. I now move :

That an humble Address be presented to His Excellency the Govvernor General praying that His Excellency will cause to be laid before the Senate, copies of letters 1, 2, 3, 4 and 5. Also, cheques A, B and C. Also, letter of Reverend Mr. Morgan, marked exhibit E. All which are referred to in Mr. Justice Drake's report of 1894, on the British Columbia Penitentiary.

I hope that these returns will be attached to the others for which I moved some time ago before I proceed with the main motion.

Hon. Mr. BOWELL—There is no objection.

The motion was agreed to.

## BOARDS OF TRADE INCORPORATION BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of the Bill (L) "An Act further to amend the Act respecting the incorporation of Boards of Trade." He said :—This is a very short bill to enable the people of the village of Mattawa to organize a board of trade. Last year we passed a short act to enable the people of the different sections of the North-west Territory to organize boards of trade by adding adjoining districts or townships to the village or town which desired to establish a board of trade. Under the general law it requires a certain number of inhabitants to reside within the corporation where a board of trade is required. They had not those numbers in the North-west and consequently the Act was amended to enable them to carry out the intention to which I have referred. The village of Mattawa in the district of Nipissing is in precisely the same position—they are desirous of forming a board of trade, and not having sufficient population within the village, they want to include with them the adjoining townships. When the matter was referred to the Department of Justice, the provision of the law to which I have alluded, was pointed out, therefore it is necessary to amend the law in the same direction that we amended it last year, to enable them to carry out their project.

The motion was agreed to and the bill was read the second time.

## LINDSAY, HALIBURTON AND MATTAWA RAILWAY COMPANY.

THIRD READING.

Hon. Mr. CLEMOW moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (80) "An Act to incorporate the Lindsay, Haliburton and Mattawa Railway Company."

Hon. Mr. SCOTT—As this involves a departure from the general law of the land,

I think it only proper to call the attention of the Senate to the changes proposed to be made in this particular charter. A similar clause was introduced in a bill this session which has passed this chamber. I do not know whether it has passed the other chamber yet, but it passed here unnoticed. I was not aware of the fact of the first bill, but I was present in the Railway Committee when it was introduced in some other bill and I am quite aware also that a bill had passed this Senate some years ago changing the general law, but it was thrown out in the House of Commons. There seems to be a good deal of misunderstanding on the subject. It is well known by hon. gentlemen that when a railway is first constructed, the drainage of any country through which it passes is very much improved. The statute relating to all existing drains is clear; if they divert a drain they have to make ample provision for the outlet of that drain or watercourse, whether large or small. The railway companies, in their own interest, do this and we also recognize that the railway has for its own protection to improve the drainage. There are always ditches alongside of the railway, and usually culverts are made for carrying off water, not alone the water in that particular year, but for years to come, in case of freshet. The policy that has prompted the enactment of this provision has been the protection of the travelling public, because it was considered very important that sudden freshets should not be let down upon the railway embankment. It is proposed now to change the law by this amendment and to transfer the whole subject to the municipal authorities. Before that is done, it ought to be shown that some hardship has existed in the past. As far as I have been able to ascertain, and I certainly have made the fullest inquiry, no case has arisen where redress has not been granted by the railway company. Where, of course, the changes involve a considerable expenditure, it is only right that the section of country that is to be benefited by the change should bear the cost. It would be difficult, if not impossible, to point to any case where a railway company, having been asked to make the change and it being intimated that the cost involved would be defrayed by the municipality benefited, has refused to acquiesce. If any dispute arises, the referee is the Minister of Railways, and I think it could be shown that it involves no expense to the applicant. The proposal is that we should place this matter under the control of the municipality. In Ontario for some years they have been draining large sections of country, practically making canals to carry off the water from lands that have been brought under cultivation. When they come to the railway track the drain requires the construction, probably, of a new culvert. Now, the question arises, should the railway be at the expense of the new culvert, which may cost from $500 to $1,000, depending altogether on its size? The Ontario Railway Act makes this provision: It contemplates in the first place that the work shall be done subject to the inspection of the railway company and of the parties benefited, but it goes on to provide that in order to justify the municipality paying the railway company for the work, there must be a requisition from, in one instance, three-quarters of the parties benefited, and in the other instance two-thirds of the parties benefited. We know very well that it is quite unlikely, in a section of country where they want drainage, when the settlers can make the railway company be at the expense, that you will get them to sign a paper recommending the council to charge it against the funds of the municipality. That is a highly improbable thing, and of course, if this House passes the motion in its present shape, the effect will be that in all those cases of drainage the railway company will be obliged to bear the whole expense. That will be the result if this passes and the municipalities do what they are likely to do. If it were left to the municipal council, without the qualification I have referred to, I think the municipality would do what is fair. If the railway company receive any additional benefit, they should pay their share. The cost should be borne by all who are financially interested—that is, after the railway has been constructed and we are speaking now of future drainage. When the railway is first constructed, there may be no complaint on the subject of drainage, because the law is distinct, in declaring that the railway company must provide for all existing drains. That is clear and plain, and I am not aware that there has been any conflict on that subject. It is when this new question of drainage arises, taking in larger areas than were contemplated at the time of the construction of the railway, that disputes arise, and the

effect of this amendment will be to make the railway company pay the whole charge. The municipality and the people interested will say: "The railway company are wealthy enough to make the change, and if the law forces them to do it they must do it." For that reason I do not think it is a wise change.

Hon. Mr. McCALLUM—The hon. member from Ottawa appears to take the whole railway system of the country under his charge. I am prepared to advocate the interests of the settlers of this country and not the interests of the railways altogether. He says he does not know of any grievance that the agriculturists of this country have in reference to the matter dealt with by that amendment. I can tell him there is plenty of grievance. I know there is a case now before the Railway Committee of the Privy Council. I was there the other day when it came up. It was the case of the township of Wainfleet in the county of Monck. The people of that township have been trying to get the matter settled for the last two years. The Grand Trunk Railway asks them to pay one-half the cost of putting a culvert under the railway. There was a culvert there before, but it was not deep enough, and they asked them to pay one-half the cost of making the culvert deeper. It is an open culvert and they say it will cost $600 to do it. In that case the parties had to come all the way to Ottawa, but the question did not come up yesterday and when we are going to have a meeting of the Railway Committee of the Privy Council, I do not know. When the Grand Trunk Railway Company found they were going to be exposed, instead of asking the township to pay $300—half the $600—they came to me on Saturday, as this letter I have got in my hand from the engineer shows, and said "we will settle the question if you pay $100." I do not know whether the township of Wainfleet will pay the $100 or not. I know they should not pay it. But they may prefer to do so rather than to go to the expense of appearing before the Railway Committee of the Privy Council. I notice that my hon. friend from Ottawa takes charge of the railways of the country. When I had a bill here before the Senate on another occasion he opposed it at every step. He says it will not do to let the farmers interfere with the railways. I agree with him; in no case should it be done, and in no case has it been done. The bill which I had charge of here, and which passed the Senate twice, provided that the railway company should do the work always, but what I have claimed is that the question of expenditure should be settled on the spot by arbitration and it should not be necessary to bring people here to Ottawa at a heavy expense which they can ill afford, and then, when they come here, to compromise with them. They have offered to forego two-thirds of the amount that they claim, and they must feel satisfied that the case of the municipality was a just one, and that if it went to the Railway Committee of the Privy Council the people would not have to pay anything. I see no reason why all new railways should not be subject to the drainage laws in every province. It is in the interests of the country that it should be so. It is easy for the railway companies to appear before the Railway Committee of the Privy Council; they have my hon. friend from Ottawa here, but what are the farmers to do? They have nobody here to represent them unless they come from long distances themselves. If they lived at Vancouver or Halifax they would have to come all the way to Ottawa to present their views, while the railway company could have my hon. friend from Ottawa here to represent them all the time. When the railways were built in many parts of the country they put in culverts where they pleased and did not put them deep enough. The first charter in this instance was granted to the Buffalo and Lake Huron Railway. That road is in the hands of the Grand Trunk Railway, and the people think that the Parliament of Canada will not compel them to build culverts where culverts should have been constructed long ago. The companies are rich and can afford to fight and will do nothing for the poor farmers along the line. If a drain crosses a railway and the farmers of this country clean out the ditch to the railway track they cannot carry the drainage across the road, even through a culvert, because under the law they could be fined and imprisoned for trespass if they did. That is the law of the land, and it is not desirable that it should remain unchanged. I tried once to amend it and the Senate supported me, as I hope the Senate will support me on this occasion, by retaining the amendment,

so that if we do not get justice in a lump we will get it by instalments.

Hon. Mr. MILLER—This matter was very fully discussed before the Railway Committee, and a sub-committee was appointed to consider the whole subject. I was a member of that committee, and after a long discussion among ourselves, and a full consideration of it, we decided to recommend the amendment which now appears in the bill before the House. When the report was presented to the committee, it was discussed and no opposition was offered to it: on the contrary, I thought it was accepted by every member of the committee. If the report of the sub-committee were before the House, hon. gentlemen would see that we recommend the amendment to this bill and that a similar amendment should be added to every railway bill in the future. We do not recommend any retroactive course with regard to legislation of this character, but having the Act of the Ontario legislature to guide us, as well as the bill which passed this House almost unanimously on a former occasion showing that the Ontario Act was in harmony with the views of a large majority of this House, we thought we were safe in recommending this amendment to the Railway Committee. Under the circumstances, I did not expect to see the hon. gentleman from Ottawa opposing the amendment to the bill as he is now doing.

Hon. Mr. SCOTT—I am not opposing it: I am simply drawing attention to it.

Hon. Mr. MILLER—I hope the bill will be allowed to pass with the amendment.

Hon. Mr. VIDAL—The hon. gentleman from Richmond has omitted to refer to what came before the committee at the same time that this amendment was made, and that is, that this amendment should be made in all railway bills in future, until such time as the general Railway Act is amended in the direction indicated. That, to my mind, suggests the proper and only constitutional way in which the amendment should be made. I do not think the Parliament of Canada should divest itself of authority and hand it over to the provincial legislature or to the municipalities. My impression is that the right way to meet this difficulty is to carefully frame an amendment and insert it in the general railway law. The committee thought that until something of that kind was done this amendment should be made.

Hon. Mr. MILLER—I was simply alluding to the report on the bill which is before the House.

The motion was agreed to and the bill was then read the third time and passed.

## THIRD READING.

Bill (49) "An Act respecting the Windsor and Annapolis Railway Company."—(Mr. Power.)

## THE DOMINION ATLANTIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. POWER moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (48) "An Act to incorporate the Dominion Atlantic Railway Company."

The motion was agreed to.

Hon. Mr. POWER moved the third reading of the bill.

Hon. Mr. McCLELAN moved

That the said bill be not now read a third time, but that it be amended by striking out, in the second and third lines of the twenty-sixth clause thereof, the words "or the South Shore Railway Company, Limited," and in the ninth line of said clause the words "companies or either of them," and inserting thereof the word "company."

He said:—The bill as it comes to us provides that the company may enter into an agreement with the South Shore Railway, or the Nova Scotia Central, and the object of the amendment is to omit the South Shore Railway in order that a competitive railway may be maintained. The matter was before the committee, and a vote was taken upon it while I was there, but I did not understand the question at the time and did not vote at all. I think this amendment is in the public interest.

Hon. Mr. McKAY—I do not think the hon. gentleman who has moved this amendment has made out a case. If it is proper to strike out either of these railways as being subject for amalgamation with the line referred to in the bill, he might just as well have struck

out the Nova Scotia Central. The Dominion Atlantic Railway runs from Windsor to Yarmouth and is a railway in good standing. The South Shore Railway runs from Yarmouth to Shelburne and would be a fitting railway to connect with the Dominion Atlantic Railway. The promoters of the South Shore Railway are anxious that it should be left in the bill. These charters for railways on that shore have been the making and the unmaking of several members of parliament. There is more politics than money in them and I think it is a bit of a scheme to knife what some people are pleased to call a "Tory railway." I do not think the hon. gentleman knows much about it himself. He is pulling the chestnuts out of the fire for some one else. I hope the House will reject the amendment.

Hon. Mr. POWER—The hon. gentleman from Truro does not speak often, but when he does speak, he speaks very much to the purpose. As the introducer of the bill and the member in charge of it, I am prepared to accept this amendment; and further, I may say, after a conversation with the gentleman who promoted this bill, I was given to understand that he attached no importance whatever to this provision. When the motion was made in committee with respect to this amendment, I for one did not think of politics in the matter at all. It may be that the hon. gentleman from Truro has discovered a great deal of politics in it, but I do not think there is. The position is just this : there are two schemes for railways running east and west through the province of Nova Scotia. One set of lines has been completed from Halifax to Yarmouth, that is the one which is owned and operated by the Dominion Atlantic Railway Company. That runs along north of what is called the South Mountain of Annapolis County, and it goes all the way from Halifax to the western extremity of the province at Yarmouth, some 215 miles. Yarmouth is the point of departure for the United States and that is a complete line in itself. The South Shore Railway would be the first link of another line of railway running from Yarmouth to Halifax south of the mountain and near the Atlantic coast. One of the objects in constructing that second line of railway was to give competition to the Windsor and Annapolis Railway, or what is the Dominion Atlantic Railway, and it is perfectly clear if you give the western link in that new line of railway to the Windsor and Annapolis Railway Company, that you almost entirely prevent the possibility of any competition between the two sets of lines. Where politics come in I do not exactly see, but I can see that it would be very bad policy, in the interests of the country, to allow the Dominion Atlantic Company to control this line. Another company is chartered to build a line from Shelburne towards Halifax. The people in that part of the country would much sooner have an independent line than a line controlled by the Dominion Atlantic Company. The Nova Scotia Central is a line which runs from north to south—runs from Lunenburg through Bridgewater to a point of the Windsor and Annapolis Railway about 30 miles east of Annapolis. Under this bill the Dominion Atlantic Company can make arrangements with that line, which runs at right angles to their own. There is no serious objection to giving them control of it, but if you give them control of the line running parallel with their own, the probability is that the line will never be built from the Nova Scotia Central to Halifax or Windsor Junction.

Hon. Mr. McKAY—But it is not running parallel.

Hon. Mr. POWER—The substantial direction of the two lines is east and west. If a road is built from Yarmouth to Shelburne, and Parliament should in its wisdom allow the Windsor and Annapolis Railway to control that road, the company can come to Parliament and look for the power, but at present I think it is altogether in the public interest that this amendment should be passed.

Hon. Mr. DICKEY—To show that there is no politics to this bill, I entirely concur in the arguments of my hon. friend from Halifax. There may possibly be a misapprehension as to the geographical aspect of this question. I may say the termini of these two railways—the old railway which is already existing and has already been explained as that on the north side of the mountain, and another railway from the western terminus south of Yarmouth, along the shore by the various towns by a shorter and more direct route to Halifax is nothing

but a competing line with the other. It is an alternate line to Halifax, and if I am correctly informed it has been subsidized by the local government. Certain portions of this line have been constructed, and it is going on, and the effect will be that, when this line is finished, it will not only give accommodation to the various towns along the line but it will also be a competing line from Yarmouth to Halifax with the Dominion Atlantic Railway. Therefore it is a strictly competing line and nothing else. Now, that is the state of affairs at present, and this bill asks the power to take that line, as well as the other line, the Nova Scotia Central Railway. This questiyn came up, as has been stated, before the committee, and the promotor of the bill was called upon to give an opinion. He made the statement showing there was no objection whatever to the claim made here to include this South-eastern Railway, because it was only a branch of the main line which led from Yarmouth to Halifax in a part of the county of Annapolis which extended at right angles to the shore, I think somewhere in Lunenburg. Under these circumstances, he was asked: "What about the other line, the South Shore Line? He said: "I have nothing to say about that at all." He had no reason to give why that should be included and he did not profess to give any reasons. We have heard no reasons to-day, but there are reasons why it ought not to be, and the reason is perfectly manifest that if we pass a bill enabling these people to gobble up this line, you will not only destroy the competing line from Halifax to Yarmouth, but you will destroy the line which will give accommodation to all the towns east and west between the termini of the two railways. The termini are the same, on the east Halifax, and on the west Yarmouth, only the one railway starts from the north side of Yarmouth and the other from the south side of Yarmouth. That being the case, it is difficult to conceive why there should be any objections to prevent this amendment taking place. It is just exactly similar in principle to what it would be if the Canadian Pacific Railway, holding a line from Montreal to Ottawa, were to ask for legislation giving them power to amalgamate with and gobble up the Canada Atlantic Railway, which is the competing line from Ottawa to Montreal. What would the members from Ottawa, or any members who are animated by a public spirit, say to that? They would laugh at the idea. And yet we are asked to put in this bill power to enable the Dominion Atlantic Company to prevent this competing line being built from Yarmouth to Halifax. There ought to be no question about it, and after these facts came out, the promoter of the bill, although he gave good reason for including this South Eastern line, gave no reasons whatever for including the other, and there have been no reasons given to-day why the other should be included, except it will enable the Dominion Atlantic Company, whenever it suits its convenience, to take possession of that line and deprive the people of that section of competition, and deprive the towns along the Nova Scotia coast of legislation for which they have been asking for a great many years.

Hon. Mr. ALMON—I am surprised at the statement of the hon. member from Amherst that there are no politics in this amendment. I think I can prove to the satisfaction of the House that there is. There were two lines started from Yarmouth intending to proceed from Yarmouth to Shelburne. In the first ten miles they crossed each other three or four times, and on no part of the distance were they more than four miles apart, according to the plans. One was a Conservative road, wide gauge; the other, Grit, was narrow gauge, and was called the Tom Robinson road, as it was through it he was returned M.P.P. for Shelburne, and he is now the president of the road. Neither of these railroads appeared to have much capital, as far as was known. One has burst up and disappeared for a time, although I think it will appear again, and the other one was very much in the same fix; everybody laughed at it. And I would ask my hon. friend if he thinks any capitalist would invest a dollar in that road? I think not. I say it was a bogus railroad and got up in order to obtain votes at the election about to take place in Queen's county and Shelburne, and I think the hon. member from Truro was justified in calling this a political road and clap-trap brought before the House for election purposes. I hope the amendment will be supported by all people who think the railroad should be used for the benefit of Nova Scotia and not for political purposes and humbug.

Hon. Mr. OGILVIE—I have made some inquiry about it and I am inclined to support

the report of the committee. I can see—if the hon. gentlemen on the other side cannot—reasons why power should be giving to amalgamate those roads. I know that in old Canada we have seen a great many competing railroads started resulting in ruin to both roads. In Canada very few people who invest money in railways, ever get anything out of them. It is also well known that our freight and passenger rates are as low as in other countries, and quite low enough. They do not pay at all. I can understand perfectly why, when two roads amalgamate they can save money. When two small roads of that kind get together, it costs very little more to manage them as one system than to manage one of them alone. They are a great deal better when they are under one management and that they help the people whose freight they carry a great deal too. The committee has recommended certain things and I feel disposed to accept their report.

Hon. Mr. KAULBACH—As the county of Lunenburg has some interest in this road, I cannot let it pass without a few words. A great many railways have been projected down there, and none of them seem to have advanced much, and I do not know whether it would be advisable to have my advocacy at all. There is a narrow gauge railway, not yet completed, from Shelburne to Yarmouth, which is called the Grit railway, and the coast line railway superior in financial position, a broad gauge line called the Tory railway, the broad gauge indicating broad views. As this narrow gauge line was only, I think, intended to run from Shelburne to Yarmouth as a branch, I had no objection to the gauge, but a road to connect with the railway system through the province, should be a broad gauge railway. The road is proposed to be extended from Yarmouth passing through all those towns along the south shore to Halifax.

Hon. Mr. McKAY—How far will the roads be apart?

Hon. Mr. KAULBACH.—In some places 100 miles apart. I do not approve of this amalgamation, because I think they will not finish it all the way. I should like all our shore towns to get the benefit of that railway; but if it is to amalgamate with the Dominion Atlantic Railway my impression is, it will not be built at all, or, at most, it will only go some distance, probably as far as Bridgewater, and then connect with the Nova Scotia Central and then over that road to Middleton, and then down to Halifax. That will be no benefit to our country at all, and I am opposed to the amalgamation. There is another road which we take an interest in, from Shelburne through the northern part of Queen's County to New Germany; from thence we hope it will go through the northern part of Lunenburg county by way of New Germany and New Ross on to Windsor Junction. That is the railway most in the interests of the county. I do not think a railway running along the shore competing with water service, will ever be a great success, although it may give us some accommodation. But a road through Queen's County, through New Germany and also through the fertile districts of Lunenburg county to Windsor Junction, will open and develop the country very much better than any of the other roads; but that yet is in the clouds, so I must be in favour of this shore road going from Yarmouth on to Halifax; but any amalgamation would only be the means of preventing it going further than Bridgewater, and therefore it will travel by the Nova Scotia Central on to Middleton, and then it will give us no accommodation further than we have now. Instead of being a competing road to the Dominion Atlantic Railway it would be the reverse. I yet hope to see what is called the Herney road, which would connect Shelburne and Liverpool with New Germany, and from thence extended by way of New Germany and New Ross, until it meets the Intercolonial Railway at Windsor Junction.

Hon. Mr. McKAY—Some of us are terribly mixed about the railways. I believe the argument of the hon. member from Amherst has reference entirely to what is known as the narrow gauge railway, and his arguments would be sound as against that; but this is a railway to connect Shelburne with Yarmouth. The Dominion Atlantic Railway does not care very much whether this clause remains as it is or not, but the promoters of the South Shore Railway are anxious that it should remain. Are they frightened that the other railway will prevent it being built?

Hon. Mr. POWER—I hope the House will extend to me the same indulgence as

that extended to the hon. member from Truro. With respect to what my hon. colleague has stated, supposing these railway companies are both bogus, which I understood him to say they were—is it a dignified or proper thing for Parliament to give this Dominion Atlantic Company power to amalgamate with bogus companies? Then, with respect to the gauge, I may say both these bogus roads are to be of the broad gauge. The argument of my hon. colleague and the hon. gentleman from Truro would be perfectly good if the question before the House was which of these roads the Dominion Atlantic Company should be allowed to amalgamate with. I say that the Dominion Atlantic Railway should not be allowed to amalgamate with either of these roads. That is the line of my argument and the line of the argument of the hon. members from Albert and Amherst. I think that argument will address itself to the common sense of the House. We do not undertake to decide questions between Grit and Tory railways, or which is the bogus one.

Hon. Sir MACKENZIE BOWELL—I am not aware that either of these railways is bogus, but I know this, that one of the roads has been subsidized by the Dominion Government and the other by the Nova Scotia Government, and when a question arose as to trying to amalgamate their interests, the Nova Scotia authorities I am informed put their foot down and stamped it out. It must be borne in mind that these two roads run parallel to each other, nearly all the way from Yarmouth to Shelburne.

Hon. Mr. POWER—That is the two bogus roads.

Hon. Sir MACKENZIE BOWELL—I did not say they were bogus, and I am not aware that either one of them is bogus; but this I do know, that one road is in the hands and control of one party and the other is in the hands and control of the other party, and as the hon. member from Truro very properly said, they are designated by the names of Tory and Grit roads. I can understand there being no politics in this at all, from the standpoint of the hon. gentleman from Amherst, because he would not lend himself to any Grit scheme to accomplish any purpose, I understood the hon. gentleman's opposition to be on the general principle of amalgamation. What can this opposition road consist of, supposing it were built? Supposing the whole grand scheme of construction of the road from Yarmouth to Halifax was in actual running order to-day, the only people who would be benefited by that competing line as it has been spoken of, would be the people of Yarmouth, and what you have to consider is this—and I would suggest it to those who are interested in the construction of the road—whether, if they are of the character that has been indicated, there is any probability of those people living on the south shore, who have no communication, of ever getting a road if they do not get a powerful company like the Dominion Atlantic at their back. This company is organized; its line is partly graded from Yarmouth to Shelburne. The narrow gauge road which is subsidized by the local government.

Hon. Mr. POWER—That is a broad gauge road now. They are changing the gauge.

Hon. Sir MACKENZIE BOWELL—I am speaking of it now as it is. I am glad to know they are becoming of the character indicated by the hon. member from Lunenburg—broad gauge, and broad in their views. Then, there is no more necessity for those two roads being built alongside of each other than there would be to run a road from Montreal or Toronto to Cornwall twenty or thirty yards from the Grand Trunk Railway. That is the position of these two roads and I am firmly of the opinion that if you reject this, the people of Shelburne, who are worse off to-day than almost any other seaport town, will be deprived of a road for a good many years to come. These two companies have been quarrelling for years, unfortunately, their interests being diversified, interests which are not the interests of the people, but of the individuals who are connected with them, whether political or otherwise I give no opinion and I leave that to those who are in that neighbourhood to state; but this we do know, that in Shelburne and that locality that has been a political plank in the late elections, and as indicated a few moments ago, it will be used in future for that very purpose. The fact that that Nova Scotia government refused to aid one road or the other unless they could keep control of it is

the very best evidence that it is more political than in the interests of the country. If the south shore people desire the construction of that road and I think there is no place that they require it more than they do at Shelburne—they should allow this clause to remain on the statute-book. Another thing from the Dominion standpoint is this ; we are paying a heavy subsidy for connecting Shelburne, Yarmouth and St. John by steamboat communication. If this railway be built through the aid we have given it, and through the financial strength of any larger corporation, than the Dominion Government would be relieved of the subsidy which they have to pay for the steamboat accommodation, except it would be from Shelburne and other ports towards Halifax. These facts came under my notice from having looked into the question of subsidizing the road and from the action of the parties who are seeking incorporation under another company in the lower House for the wide gauge road from Yarmouth to Shelburne. Let me repeat that as far as the competition is concerned and the benefits arising from competition, it would only be from Yarmouth, and whether they went round by the north shore or the south shore, it would not help my hon. friend a particle. If he wanted to go to Halifax he would take the south shore road wherever it would form a junction with the road which runs from Lunenburg and connect with Windsor and Annapolis. But these roads are 50 to 100 miles apart, and the building of that road will be just as much to the south shore people and along that line as the Grand Trunk Railway is for the accomodation of the people along the St. Lawrence. As for its running alongside navigable waters, that is the argument we employed years ago when the Grand Trunk Railway was built. It is true there is the competition with the water and that will always exist with heavy freight, but with passengers it will not. I would advise the House not to adopt the amendment of the hon. member for Hopewell.

The amendment was declared lost on a division.

The bill was read the third time and passed.

## FISHERIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (74) "An Act to amend the Act to encourage the development of Sea Fisheries and the building of Fishing Vessels." He said : The object of this bill is to give certain fisheries officers standing power to take evidence under oath when making inquiries into alleged fishing bounty frauds. At present, when a case is reported and referred to an inspector of fisheries for inquiry, he is in many cases unable to get at the facts because of the unwillingness of parties connected with the irregularities, or of those in possession of the facts, to tell the truth. It often happens that when a party gives information with regard to alleged fraud, which he says he is prepared to prove, is called upon so to do, he refuses to substantiate his statements when called as a witness. If the officers had power to get evidence under oath, those difficulties would be removed and better results would follow the prosecution of such cases. Chapter 114 of the Revised Statutes of Canada, as amended by the Act of 1889, provides for the appointment of commissioners to inquire into matters of this kind, but as frequent complaints of fraud are made, it would be necessary under this act to go to the council for a commission in each case, and considerable delay would follow, whereas the proposed amendment to the bounty act would enable the officer to proceed once a complaint is made and obtain the facts under oath without delay. It is a very small bill with a large title.

Hon. Mr. SCOTT—Who is the fishery officer ?

Hon. Mr. ANGERS—Any officer of the department, for instance, the inspector.

Hon. Mr. KAULBACH—Will it be any officer located at the place where the inquiry is made. ?

Hon. Mr. ANGERS—Yes, the Minister of Marine and Fisheries, whenever he deems it expedient to cause inquiry to be made into or concerning any matter connected with the said grant or payment thereof, may direct any officer—an officer of his department, the fishery inspector for instance.

Hon. Mr. KAULBACH—It might be some officer located at the spot. He would be the best.

Hon. Mr. ANGERS—Yes.

Hon. Mr. MILLER—Have they not that power now?

Hon. Mr. ANGERS—No, at present they have not the power, and a commissioner has to be appointed. It makes a long delay and can only be done by an order in council.

The motion was agreed to.

The House resolved itself into Committee of the Whole on the bill.

In the committee.

Hon. Mr. POWER—I do not rise for the purpose of opposing this clause, but I think that this new section may be worded a little differently. Under the language of this subsection the Minister of Marine and Fisheries, whenever he deems it advisable to cause inquiry to be made into any matter connected with the grants to fishermen, which amount to some $175,000, could refer that matter to any fishery officer. That is not really what the object of the clause is. The object of the clause is this, and I think it ought to be set out in that way:

That whereas it has been known that frauds have been perpetrated by persons entitled to receive a grant under the Act, and it is desirable that inquiry should be made on the spot with respect to those matters, therefore the Minister of Marine and Fisheries in any cause where he suspects anything improper, and in order to secure those claims, might direct the fishery officer.

However, that is a matter of taste.

Hon. Mr. ANGERS—I cannot agree with that suggestion at all. I think it is not necessary to declare in the statute that the people in the maritime provinces, who specially enjoy this bounty, are more liable to commit frauds than others. It would be a stigma of dishonesty which should not be put in the statute-book, and the language adopted by the Minister of Marine and Fisheries is more suitable than the one proposed by my hon. friend from Halifax. It is perfectly clear as it is, and I cannot adopt his suggestion.

Hon. Mr. OGILVIE, from the Committee, reported the bill with amendments, which were concurred in.

## DOMINION NOTES ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (22) "An Act further to amend the Act respecting Dominion Notes."

He said: Doubt arose as to the power of the government to issue bank notes exceeding $20,000,000 and a resolution passed the House of Commons last session upon which a bill was founded giving power to issue notes to the extent of $25,000,000, but for every dollar that was issued over and above the $20,000,000, which they were authorized to issue under the old act, $1 in gold had to be kept in reserve. In the framing of the act, strange to say, while the law gave the power of the government to issue to the extent of $25,000,000, the safeguard to the noteholders was omitted. The law as it stands on the statute-book reads as follows:—

Section 3 of the act respecting Dominion Notes, Chapter 39 of the Revised Statutes, is hereby amended by striking out the word "twenty" in the 4th line of said section and substituting therefor the word "twenty-five."

The provision for a reserve was omitted. The present bill is to provide this security to which I have referred. The present amendment, it will be observed, does not restrict the issue to $25,000,000. The government for the time being can issue to any amount, providing they keep one dollar in gold in reserve in case of a demand for the redemption in gold of the extra sums which may have been issued.

Hon. Mr. SCOTT—Under the law as it stands fifty per cent of the issue has to be held in gold. I presume the idea of the present bill is that in any issue in excess of $20,000,000 the reserve shall be dollar for dollar.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will see that we do not restrict the amount to be issued, but the security of dollar for dollar must be provided.

The motion was agreed to and the bill was read the second time.

The bill then passed through Committee of the Whole was read the third time and passed under a suspension of the rule.

## BILL INTRODUCED.

Bill (92) "An Act further to amend the Insurance Act." (Mr. Angers.)

## THE LATE SENATOR BURNS.

Hon. Sir MACKENZIE BOWELL—In my moving the adjournment of the Senate, it is melancholy duty to call to the attention of the House to the death of another of its members —Mr. Burns. The departed senator has been but a short time a member of this body, though he had been for many years in political life in the province in which he lived. Many of us knew him as an energetic business man, occupying the first position in the county in which he lived He had been elected a number of times to represent the people of his county in the local legislature, and was known for his ability as a business man, and also for a useful member in the House of Commons for some years until called to the honourable position of senator of the Dominion. The deceased, though young in years, has been called by his Maker to his long home, regretted by everyone who had the pleasure of knowing him. I can only say for myself, that, during the few years in which I had the honour of his acquaintance, I always found him to be a straightforward, honest, patriotic citizen of Canada. His one great desire was the advancement of the country of his adoption. I deeply regret that our ranks have been thinned to an alarming extent during the short period that I have had the honour of occupying a seat in the Senate, express the sense that I am sure every one of us feels of the loss that this House and the country have sustained in the demise of one who was so actively engaged in business life. From what I can learn he has not left his family in as good a condition financially as we should all like, but that is incident to every man engaged in a large extensive business. Sometimes it is lucrative, as we all know, and sometimes it is the reverse. In his case, I believe, had he been spared, he would have emerged from the difficulties in which he found himself, and if he had been called away later there would not have been such a severe loss. Still, that is incident to all of us, and I can only again repeat my personal regret at the loss that this House has sustained.

Hon. Mr. SCOTT—I unite in the Premier's expression of sorrow at the death of Mr. Burns. I had not the pleasure of knowing him except by repute, and from what I have heard I certainly agree in all that the Premier has stated on the subject, but I have no doubt there are some members from his province who knew him personally who will give expression to their regret at his demise.

Hon. Mr. DEVER—I belong to the same province from which our late collegue came, but I had not the pleasure of knowing him personally. I only knew of him as a public man, but I, as well as other gentlemen in this Senate, feel great regret at knowing that one so lately appointed to this House has been so suddenly taken away. I have always understood that he was an active commercial man in his part of the country, and I am under the impression that he was a native of the county which he represented. I can only express my sorrow and regret with the other members of the House at his sudden and unexpected death.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Tuesday, 25th June, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## CANADIAN SICK BENEFIT SOCIETY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (31) "An Act to incorporate the Canadian Sick Benefit Society."

Hon. Mr. MACDONALD (B.C.)—This bill is based upon a petition which was reported from the Committee on Standing Orders on Private Bills. The petition was irregular, inasmuch as the applicants had not advertised in all the provinces in which they proposed to do business. The committee did not wish to block the bill altogether, and they made the recommendation that they should confine the business of the company to the province in which it was advertised. I observe that the Committee

on Banking and Commerce took no notice of the recommendation made by the Standing Orders Committee. If the bill is passed in its present shape, the House will be stultifying itself and breaking one of its own rules. Now, there are two courses open to the House—either to suspend the rules or to confine the operations of the society to Ontario, where it has been advertised. I do not wish to oppose the bill in any way, but that is the position in which it stands.

Hon. Mr. ALLAN—The Committee on Banking and Commerce were not guilty of any neglect in paying attention to the recommendation made by the Committee on Standing Orders, but they were asked to do something which they could not do, namely, to legislate for the incorporation of a society to do business not throughout the Dominion but in one province only and we had of course to disregard the recommendation. When this bill came before the committee proof was furnished that there had been a misunderstanding, on the part of the applicants for this legislation, of a circular sent out by the clerk of the House of Commons as to the notices which should be published before a bill of this kind could be introduced. Proof of this was adduced before the Committee of the other House and, taking all these things into consideration, the committee did not see that they could do anything else but report the bill as they have done.

Hon. Mr. MILLER—Very often reports of committees go through the House without much consideration, and a considerable number of Senators know nothing of what they really contain. With regard to the report of the Standing Orders Committee on this bill, I do not think any one knew that it contained such a recommendation as he described. I took the report as a recommendation of the committee that the rule of the House should be suspended in relation to that bill—that is, in regard to not giving notice in the different provinces. The matter was discussed fully to-day in the Banking Committee, and that was the opinion arrived at. My hon. friend from Victoria will see what would be the effect of adopting such a recommendation. Had this company gone to the local legislature and got a charter, it would have been able to do business in any part of the Dominion. It might not be done so conveniently, and parties seeking litigation against it would not be in as good a position to obtain it as if the charter were granted here, because they might have to go to the province where the company was incorporated for the remedy. A bill passed by the local legislature would really be operative throughout the Dominion in that way, whereas if this bill were limited in the manner suggested by the hon. member from Victoria, the company's business would be confined to one province of the Dominion, and the result would be to make an Act of this Parliament less operative than an Act of the local legislature. I do not think it would be advisable to put on our statute-book legislation recognizing anything of that kind. When an Act of incorporation is granted here, it should be recognized that it extends to all the provinces of the Dominion. It was out of no disregard of the recommendation of the Standing Orders Committee, but we thought it would not be a good policy to adopt a principle such as that to which the hon. gentleman refers.

Hon. Mr. MACDONALD (B.C.)—I suppose the shortest way out of the difficulty would be to suspend the 49th rule. The question came up in the committee about suspending the rule, and they thought it would be better not to do so but to explain the whole matter. The company did not publish the proper notices and deserved to have the petition thrown out, but we did not wish to take that course. If the hon. gentleman who has charge of the bill will move the suspension of the rule, it will cover the whole ground.

Hon. Mr. MILLER—Did not the report of the committee recommend the suspension of the rule?

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. ALLAN—The Standing Orders Committee, in reporting on this bill, with three others, recommended that as the rule had not been complied with and the advertisement had been published in Ontario only, the committee to whom the bill was to be referred should confine the operations of the company to that province, something which we could not possibly do.

Hon. Mr. LOUGHEED—The disposition of the committee appeared to be to allow those bills to pass. There were three or four of them, all of an important character, and it was established to the satisfaction of the committee that the difficulty arose through a circular issued by the clerk of the House of Commons from which the word "province" was omitted. This circular was sent out to the promoters of private bills, and they, in accordance with that circular, omitted to advertise in the several provinces of the Dominion. Afterwards, when the bill came up, the committee on private bills of the other House reported that the rule had been practically complied with. This bill has passed the House of Commons and its committees. Explanations were made as to the way in which the difficulty arose from the circular omitting the word "province." The promoters of this bill appeared before the Committee on Standing Orders, and I am justified in saying that the committee desired that the bill should be duly passed. It was suggested that rule 49 should be suspended, and when I left the committee I was under the impression that the report of the committee would be made accordingly, recommending the suspension of the rule. It was not due to any negligence that the publication was insufficient, but as I have explained, through a mistake. I would, therefore, give notice that when the bill comes up for the third reading I shall move the suspension of the 49th rule.

## BANKERS' LIFE ASSOCIATION OF CANADA BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (26) "An Act to incorporate the Bankers' Life Association of Canada, with amendments. He said:—This bill is one included in the same category with the one which has just been under consideration in the report of the Standing Orders Committee. The amendments are not of an important character. The principal one is that with regard to the title of the bill. Originally it was "An Act to incorporate the Bankers' Life Association of Canada." Objection was raised at the second reading of the bill that this title might give rise to misapprehension and accordingly the word "Insurance" was added to the title, and it now reads "An Act to Incorporate the Bankers' Life Insurance Association of Canada."

Hon. Mr. LOUGHEED moved that the amendments be taken into consideration tomorrow.

Hon. Mr. SCOTT—This report places members of the House who, on the second reading of the bill, took exception to the title, in an embarassing position. No change has been made in the title of the bill that would meet the objection which was raised when the bill was first introduced. It seems extraordinary that the promoters of the bill should persist in stealing a title—the word is not too strong—a title that will deceive and defraud the community. We know very well that the line which insurance agents take in seeking for business is to furnish evidence of the stability and soundness of the company which they represent. Can they point to any stronger evidence of the stability of this company than by representing it as being the Bankers' Life Insurance Association? This House ought to have some respect for itself and not allow a fraud to be perpetrated on the community. The promoters of the bill are very much to blame. The same protest was made in the other house and no attention was paid to it. One does not like to throw out a bill, but if they persist in adhering to the name, I think it is the duty of Parliament to reject this bill as one liable to defraud and mislead the public. I give notice that at the third reading I shall move the three month's hoist, unless the promoters choose another name.

Hon. Mr. CLEMOW—This matter was discussed in the committee, a majority of whom were as much opposed to the name as my honourable friend is, but they were informed by the Inspector of Insurance that companies with that name were transacting business in the United States and were likely to do business in Canada if we did not pass this bill. It was thought advisable, therefore, to grant the request of the promoters. The banking committee took very strong objection to it, and were only influenced to support the bill when the additional word "Insurance" was added to the title to show that they had, at any rate, performed their duty as far as possible. I do not see how they could avoid recommending the bill.

Hon. Mr. LOUGHEED—I give notice that I will move the suspension of the 49th rule in reference to this bill.

Hon. Mr. POWER—I give notice that I shall move an amendment to change the title of the bill.

Hon. Mr. ALLAN—I was as much opposed to the title of the bill as anyone. I was opposed to it when the bill first came into the House, but of course it was my duty simply to report what a majority of the committee had decided upon, and having the advantage of the presence of the gentleman in charge of the Department of Insurance, and hearing his statement with respect to similar insurance companies in the United States, and one particularly which at one time had intended to do business in Canada, which bore the same name and which he stated would not have been refused a license had they applied, the committee was satisfied that the explanation was sufficient and that the difficulty was sufficiently met by inserting the word "Insurance" in the title of the bill.

Hon. Mr. SCOTT—I should like to ask if the question was put to him as to whether the government were bound to issue a license to do business in Canada to any company, no matter what their name is? If so, I think the sooner we amend the law the better.

Hon. Mr. CLEMOW—We could not refuse it.

Hon. Mr. SCOTT—I cannot understand that it is the duty of the government to absolutely issue a license to any company under any name they select.

Hon. Mr. LOUGHEED—The hon. gentleman had better give notice of a motion to amend the Insurance Act, and obviate the difficulty in that way.

Hon. Mr. SCOTT—It is the duty of those who enforce the law to look after it.

Hon. Mr. DESJARDINS—The more I think of the matter the more I share the opinion expressed by the hon. member for Ottawa. I, myself, was deluded by this title. When I saw it, I thought it was a company of bankers in Canada, but I found out to my surprise that there were no bankers among the promoters of the bill. If the company is organized under that name, its agents will very likely, like all other insurance agents, take any advantage they can of a title which would bring to the minds of the public the names of those most acceptable to any people who like to insure their lives. I think it would be much better if the title could be amended.

Hon. Mr. FERGUSON (Niagara)—I quite agree with the remarks of the hon. gentleman who has just spoken, and the hon. member from Ottawa. This title would be misleading to the public. Why they should take the bankers' name I do not know, except to lead the people to believe that the banks had something to do with it. I think this House should prevent any deluding or entrapping of the public by use of such a name.

Hon. Mr. MACINNES (Burlington)—When the matter was discussed in committee I raised the question that the name was misleading, and it was discussed in the committee. It was stated there that the Commercial Travellers' Insurance Association or the Manufacturers' Insurance Company for example were allowed to use those names although the commercial travellers or manufacturers might not be shareholders or have much to do with the companies. It is simply a name given to the company, which it was thought might be misleading, and it was amended by adding "Insurance."

Hon. Mr. OGILVIE—I mentioned the other day that I thought the name was likely to lead people astray, and that I hardly thought it was fair to other companies. To-day I asked one of the gentleman that was on the committee about it, and I understood from him that it was not an insurance company at all, but a company like these benevolent societies. If that is the case, they should not have the name of a Life Insurance Company, because under that name they will have to go under the hands of Mr. Fitzgerald, and they will not fancy that very much. The name is not a proper one to be taken for an insurance company, and I should like to see the title amended if possible.

Hon. Mr. ANGERS—Notwithstanding the report that has been brought in, I think the feeling of the House is opposed to using the word "banker." The Manufacturers'

Life Insurance Company has been mentioned as a precedent, but that would not deceive anybody. It is not a name which would give it any special credit with the people, while "bankers" would at once bring to the mind of those who wish to be insured the idea of wealth, of capital accumulated to meet insurance claims. I think, therefore, the sense of the House being opposed to the using of the word "bankers," that the hon. member should move to modify the title of the bill.

Hon. Mr. LOUGHEED—I most decidedly object to strictures of the kind that we have heard to-day in reference to the charter now being applied for, the promoters of which are reliable men as far as we can ascertain. I ask hon. gentlemen to reserve their opinions till to-morrow, when I shall have an opportunity of pointing out to the House that in Great Britain and the United States there are numerous companies bearing names of this character—companies which we are bound to admit to do business in Canada if they make application to the Department of Finance for a license to do such business. I give more credit to the people of Canada than some hon. gentlemen apparently do; they are not deceived to the extent, which may be apprehended by some hon. gentlemen, when they come to do business with an insurance company or any other commercial enterprise. The mere fact of adopting a name is not, I take it, for the purpose of deceiving the public, but for the purpose of convenience. When the bill comes up for discussion to-morrow, I shall be able to point out to this House that the people of Great Britain and also the people of the United States have not laboured under such very grave misapprehensions, as members of this House think the people of Canada would be under by the adoption of a name of this character.

Hon. Mr. DESJARDINS—Does the hon. gentleman think he would prevent insurance companies in the United States and elsewhere, bearing a similar name, from coming here because of the name of this company? I do not think so.

## THE MANITOBA SCHOOL QUESTION.

### MOTION.

Hon. Mr. BERNIER moved—

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, a Return of representations, if any, made by the Government of Manitoba, or any member thereof, to the Dominion Government, on the working of the educational system in force in the province of Manitoba, prior to the 1st of May, 1890.

He said: The continual recurrence of this Manitoba school question must, to a certain extent, be a source of some weariness to the House. It has been hanging on for so many years, and the other duties devolving upon you require so much of your attention, that I quite realize the peculiar difficulties I am placed in when approaching anew this question. On the other hand, it must be admitted that the question has to be dealt with, and as one coming from the province where the trouble arose, it falls upon me, more than upon anybody else, to be the exponent of the grievance and of the just claims of the minority in Manitoba. And I have no doubt that the indulgence and kindness shown to me by this House on previous occasions will ever be extended to me whenever I rise to fulfil my duties in that respect. I more particularly crave your forbearance on the present occasion, as I have to deal with matters clad with some unpleasantness. The nature of the observations I have to offer is indicated by my motion. Judging from the public utterances of some of the members of the Manitoba Government, I am led to believe that some representations, or rather misrepresentations, may have been made to this Government, in view of their possible action, on the working of the school system in existence in Manitoba prior to 1890. Otherwise, it would surely strike the mind of everybody that it is, to say the least, a very questionable way of dealing with so serious a subject to go before the public, and now, without any warning to the parties interested, or to the government here, raise objections unheard of before, objections which were not raised at the beginning of this turmoil, nor have been since during the five years of contention just elapsed. That sudden change of front, this volley of accusations, so tardy and new, must at once excite distrust in the accusations and in the accusers themselves. If their intention, when contemplating changes in the educational system, was simply to cure an evil and foster the educational interest of the people (I mean the whole people, not one section only), why did they not begin by making a proper investi-

gation of the whole subject? Why did they not call upon the interested parties then? Why did they not advise the Roman Catholics that they had good reason to believe that there was something wrong in the management of their schools? Why did they not urge upon the minority the necessity of improving their system, and why did they not, after mature consideration and loyal negotiation with the representatives of the Catholic section bring down some measure as framed as to meet the requirements of the case, while respecting the constitution, the vested rights of the minority and the honest and conscientious feelings of the pioneers of education in that country? For, as I will show you hereafter, we were the first to open schools in the North-west. If they had acted in that way they would have shown their sincerity, they would have found men and a whole population most willing to discuss with them the educational interests of the province and to accede to any reasonable suggestions, and thereby save the Dominion from an agitation antagonistic to peace, union and the consolidation of our political fabric. But without any warning except in the public press, without visiting our schools (which they had the power of doing, as I will show you hereafter) without approaching the representatives men of the Catholic population, with the view of considering the best way of curing the alleged evils, without suggesting any mode, regulations or legislation in harmony with the principles laid down by the province at its creation and for twenty years afterwards in the matter of education, they proceeded, seemingly, to replace the old system by a new one, but in reality to wipe out the Catholic schools, and revive, under the name of public schools, the Protestant schools, just as they were before. We were given no alternative, to improve our schools or to lose them. It is the destruction of our schools they wanted; that is the only thing that was signified to us under the form of bills which, with some immaterial amendments, came into force on the first day of May, 1890, and which accomplished the purpose that the Manitoba Government had in view, viz.; the exclusion of the Catholics from participating in the financial advantages offered to others by the province in educational matters unless they would consent to conditions which were known beforehand of impossible acceptance. Let me quote the utterance of a gentleman highly respected here, Mr. Hugh J. Macdonald:

> There can be no doubt, he has repeatedly said, that the law was brought into force in the most brutal manner, and for purely political purposes. The men who kept themselves in power by their appeals in favour of national schools, cared very little about the matter, yet they knew by raising such a cry they would draw the public mind away from the short comings of the government and its general policy.

Mr. Macdonald is not alone in his appreciation of the unfair way we have been treated. A provincial newspaper, the *Morden Monitor*, published in 1892 the following lines:

> This measure was carried through by brutal force, without regard to the feeling or sentiment of the minority. No compensation, no conciliation, no compromise was at all attempted.. The country never asked for such legislation.. It was a measure of revenge.. instead of a measure based on impartiality and justice to all. Mr. Gladstone, in his Irish church disestablishment bill laid down the splendid principle that no interest should be effected without fair compensation, and no living person should be disturbed in the exercise of his right and privilege or position. That's statesmanships; that measure contained no such fairness. All that is held dear to a large number of our fellow country men must be swept away. The ruthless way this act was carried through the Manitoba House would disgrace the actions of the uncivilized savages of the South Sea Islanders, or of a buccaneering crew on the high seas.

This paper is published by a Protestant and is very much opposed to the Catholic church, as you may judge by the way it speaks of the Catholic clergy in the same article from which I have taken the above quotation: "The ruthless" it says, "and tyrannical methods of the Quebec hierarchy have been copied and introduced in Manitoba by the Protestants". This shows that there is no partiality in our favour on the part of that newspaper, and it gives great force to its views. Does not that retrospective view of what took place in 1890, tell the story of to-day? Is not the unfairness of that time suggestive of the probable unfairness of to-day? Can we not assume at once that deeds and legislation born in injustice and brutality are sought to be maintained by abuse and slander? What reliance is to be attached to the utterances of public men who, for the sake of party advantages, pledged their party and their government to the maintenance of institutions which they knew—which had been in operation under their eyes for many and many years, and who, afterwards, for party advantages

also broke their pledges, and sullied the honour and the dignity of this province? It is not out of place to recall the fact that the government of Manitoba has been convinced, by incontrovertible evidence, from the ranks of their own party as well as from our ranks, of having, through Mr. Greenway, undertaken to maintain our schools, our language and our electoral divisions as they were at the time he was called to form a government. That was the time for announcing their policy and of indicating to the people the reforms they had in contemplation; that was the time for pointing out the evils of our schools, if any there were; but no, then they were satisfied with the existing condition of things, so much so that they did not hesitate to pledge themselves to its maintenance. Two years had not elapsed, however, when, false to their promises and to their own word, they faced about and threw the country into a state of discontent and almost endless agitation, by wiping out, without any attempt at compromise, the very things which they were bound, in honour and in good policy to uphold. Again, I ask, what credibility can be attached to the utterances of such false public men. None whatever. It seems to me we should have been exempt from going through the ordeal of defending institutions which they had committed themselves to maintain and which they could control. The malicious aspersions to which we have been lately subjected from these gentlemen have evidently no other foundation than the necessity in which they now find themselves to raise false and side issues, in order to make good before a certain public the hopeless position which the decision of the Privy Council has placed them in. They believe by exciting passions and prejudices that they may succeed for some time longer in defeating the ends of justice. Let us hope that the good sense of the people will carry our country safely through this new whirlwind, and that the two sisters known by the names of peace and justice, will conquer the hearts of all the provinces, and draw to them the best part of the nation. The question that is now before the public is not a question of expediency; it is a question of right. It is not a question of regulations; it is a question of principles. Are the Catholics entitled to their schools? that is the question. How to regulate them comes next. The schools might have been the contrary of what the minority claim they were; they might have been a thousand times worse than what they are represented to have been by our opponents; that would not destroy the constitutional and equitable right of the Catholics to their existence, and to have the same restored. The management of the schools is quite a different thing from their constitutionality, or from the vested right of the Catholics to have them. Let the Catholics have their schools, and let the management of the same be properly attended to afterwards. If the government of Manitoba in 1890 had the evidence and the conviction, which they contend now they had, that our schools were in a state of inefficiency, or otherwise improperly managed, they simply have been twice derelict to their duties—first, in not taking the proper means of putting them on a better footing, and second, in encroaching upon the rights and privileges of the minority. For, let us not be deceived by what they say; they had full power and opportunity of exercising control over our schools, as I will show hereafter. Since they had that power and that duty, since they have not thought proper to avail themselves of such power and to fulfil their duty, they cannot base an argument now on their own fault and ask for an investigation the results of which, whether good or bad, cannot have any bearing on the merit of the case as it stands to-day. This idea of having an investigation now is only an afterthought, a new device to postpone the settlement of this important matter. We have been suffering for too many years now to afford to be put off again by such a procrastinating process as has been suggested. It was thought by this Parliament five years ago that it might be better to refer the matter to the judicial tribunals. It has been so referred. The highest court of the empire has adjudged in our favour. This government has very properly taken action on that judgment. So far the Catholics are satisfied, but they are now looking to the carrying out of the government's policy as announced by the Prime Minister on the floor of this House at the beginning of this session, and I hasten to add that they are confident that that policy will be carried out without any undue delay.

I repeat that the re-establishment of our schools must take place as a matter of right. It cannot depend on the state of efficiency or inefficiency in which they might have been

prior to 1890 ; it cannot depend on any facts, disclosures, statements or evidence that might be adduced one way or another. We have an inherent right to them outside of any extraneous circumstances. That is the construction put upon the constitution by the Privy Council. Hence, the uselessness of such an investigation. Moreover, that would not cure past evils, if there were any. As to the future, it can be taken care of without the expense to the country, the hardships to the minority, and the trouble to the whole Dominion, that the appointment of any commission now would entail.

But, for all that, hon. gentlemen, the Catholics of Manitoba are not averse to speaking of their schools, which were the equal in every respect to the schools of the other section, and in some respects superior. They were superior inasmuch as the two languages, French and English, were taught in them, while the English language only was taught in the schools of the Protestant section. They were immensely superior again in as much as positive and definite christianity was taught in them and a higher course of religious training given, while in the others, they were satisfied with very little in that direction. I propose now to take notice of the charges that have been directed against our schools and deal fully with such slanderous accusations. As I said at the outset, the fact that these accusations are launched by the very men who have been convicted of having been false to the electors, false to their own word, and false to their own pledges ; who are under the ban of a verdict from the highest court of the Empire, charging them with injustice towards a section of their own countrymen, which is much more serious than if they had been simply declared erroneous interpreters of the constitution ; who did not attempt to prune the tree that displeased them, but simply cut it down and set it on fire—that fact, I say, should lead everybody to hesitate before crediting those denunciations. But there are good people who are apt to be led astray by these charges constantly repeated, and it is but right that there should be given some explanation and contradiction. The first evidence that I will cite is an extract from the speeches of Mr. Martin, the author of the law. It will at once throw light on the subject. He was the strongest advocate of the measure and had no consideration for our views or our feelings. But he took his position on public grounds, fearlessly and boldly, and I have yet to learn that he descended to the abuse to which we are subjected to-day. When introducing his measure in the local House, he said :

> The government's action had not been determined because they were dissatisfied with the manner in which the affairs of the department are conducted under this system, but because they are dissatisfied with the system itself.

So dissatisfaction as to the management of the schools was not the cause of the Manitoba Government's action. Mr. Martin was dissatisfied with the system itself, as not agreeing with his views as to what should be a system of national schools. That is all. We may differ from him as to that. I do strongly differ from him in that respect, both as to the matter of policy and, in our peculiar case, as to the constitutional power of the legislature to pass that measure. But that is a stand which rests on public grounds and which can, on that account, be honestly defended without descending to abuse or slander. This declaration of Mr. Martin is clear evidence that the Government of Manitoba was bound then to have the system changed. It was not a question of efficiency or inefficiency. They wanted the change under any circumstances. They needed no investigation and they did not make any. Without going into any inquiry as to the internal efficiency or inefficiency of the system they made the change, and from that we are justified to-day in saying that the new stand now taken by that government is nothing but a subterfuge. And right here may I be allowed, hon. gentlemen, to place before your eyes practical evidence of the efficiency of our schools ? I have placed on the table specimens of work from different schools which everybody may look at, and I am confident that no one will find any fault with them. Some are admirable specimens. All these are the work of the pupils. The maps are done from memory. Of course these come from our best schools, but the teachers in these schools are also the teachers in a great many other schools. In fact these teachers are twenty-five per cent of the whole staff, and fifty per cent of the other teachers are their pupils, and had a normal school training in these institutions from which these specimens are taken. Such pupils having had the advantage of such teachers must surely have some ability of their own

also, and be considered as fit for the position of teacher in the rural part of the country. I will now proceed to the consideration of the accusations laid against us. For the sake of convenience I will take the indictment as brought by the Attorney General of Manitoba. It will be found in the *Globe* of the 25th April, 1895 :

THE OLD SYSTEM.

Mr. Sifton then explained the state of things prior to 1890. There were, he said, what might be called two systems of public schools in existence, a Protestant system and a Catholic system, with a Board of Education having a Catholic section and a Protestant section. The Board of Education absolutely controlled the system, the Catholic section their schools and the Protestant section the Protestant schools. Each section received its grant, and the Government was not seen at all in the system. This state of things lasted from 1871 to 1890, and the people, therefore, had had ample time to see how it worked out. The way that it did work out was that the teachers placed in charge of the schools were not fit to teach anywhere. The examination papers on which they got their certificates were such as would be set for boys of nine years of age. Then the attendance at school was not looked after at all. The schools were not opened regularly, and there was no inspection. The money grants were paid all the same, although schools might not have been opened more than three or four days a week, or for only two or three months in the year. Another objectionable thing about the old system of Catholic schools was that the accommodation was simply abominable except in the case of about twelve or fifteen out of the whole number. Although this was the case, these Catholic schools were getting about twice as much under the Government grant as the Protestant schools were. The result of all this was that under this system one generation of French Catholics grew up almost absolutely illiterate. Mr. Sifton here referred to petitions sent to the Government, in which six out of seven of the petitioners were unable to sign their names and had to make their marks. Since he had come to Ontario on this present visit he had received an urgent petition sent to the Government, and signed by 27 French half-breeds. Of these 24 made their marks, and only three signed their names. This was not a pleasant thing to tell, but it was true, and was the result of the old system, which it was the desire of the Government to restore. One could go from one end of Manitoba to the other, and he would not find among the business or professional men a young man from any of those families. The children of such families remained on the farm where they were born. There was no idea of progress among them. If this system were imposed upon them permanently it would simply make them hewers of wood and drawers of water.

This is indeed a very severe and pretty extensive indictment. The misfortune about it is that it is groundless, abusive and unworthy of a man occupying in his province the position of an adviser of the Crown, and of a sworn guardian of the honour and of the interests of all sections of the province and of the whole population without distinction of creed or race. The statements of Mr. Sifton are not only misleading, but untrue, slanderous and ungenerous. In a very brief manner I will dispose of them. Before, however, considering them *seriatim*, I want to make this House aware of an important fact. It is this : Never before the Manitoba Government had announced their policy on this matter in 1889, never was any remark made to us about the alleged inefficiency of our schools. Never was a suggestion thrown out to us ; never was blame cast upon us ; never was a hint given us as to any drawback that was supposed to exist or as to any improvement that could have been desired. We were not averse to any fair criticism, if any had to be made. If any desire had been expressed to us as to some advisable reform, we would have received the intimation in the most cordial way, and given it the most serious consideration. But far from that, our schools had been generally praised. Very often people after visiting our settlements and our institutions, came to us, and expressed their surprise—they could not refrain from letting us perceive that our ways, our thrifty and prosperous condition, the excellence of our educational appliances were a revelation to them. So much so that Protestant families were prompted by that excellence, and by the care that the children received in certain institutions, to have their children educated in those institutions. On this point I can give such testimony as that of Captain Clark, which I again ask permission to lay before this House, although it has already been read to you :

I can speak with experience with reference to the excellence of your section, two of my daughters having been for a long time with the good sisters of St. Boniface, where their progress was as satisfactory to me as it was pleasant to them.

I take the following extract from the *Canadian Gazette* of London, published on the 4th November, 1886, and speaking of our school exhibits at the Indian and Colonial Exhibition :

The collection contains samples of books, exercises, scholastic material, &c., coming from the Catholic schools as well as from the Protestant schools of the province.

The excellence of the work, and especially of the geographical charts, is incontestable. This is the more pleasing, if we consider the fact that many

exhibits are dated from the year 1884, and the beginning of the year 1885. It is evident the exhibit is composed of the ordinary duties of the schools in all parts of the province, and not of work specially prepared for the occassion.

No pretension has been made to eclipse the school exhibits of the other provinces, but the collection that is under our eyes denotes that in one of the most recently organized provinces of the confederation, there exists a school system which, although respecting the faith and religious convictions of the population, offers to every one an education capable of fitting for the highest rank in society, the child who is placed under its care.

So, hon. gentlemen, up to the time of the extraordinary change of mind of these gentlemen of the Manitoba Government, instead of being remonstrated with, we had on all occasions been praised, especially for the excellence of our educational institutions. On several occasions, men in the highest position in the land, Governors General and Lieutenant-Governors, and other distinguished visitors, paid to our educational institutions the highest compliments. One day, one of the trustees of the Protestant schools in Winnipeg was invited to visit one of our schools in that city. He had only words of praise to address to the pupils and teachers. How could we suspect then that our schools might afterwards be arraigned in such a general and violent way? But let us admit for a moment that there were some deficiencies in our schools, in the teaching or in the management, what was the duty of the government? Was it necessary to demolish the whole structure to remedy the defects? Most assuredly not. All the subjects of complaint could have been cured in some other way. If we were not considered sufficiently in touch with the government, it was an easy matter to make such amendments to the law as would have been equally satisfactory to both parties. It was an easy matter to approach the general board of education and to intimate to any section that reforms and improvements were desired. And if amendments to the law were necessary, it was an easy matter to have framed them so as to respect the feelings and the rights of all sections of the people. If there was any mismanagement the fault was due to some individuals. Why not remove those individuals and put in better men instead of punishing the whole Catholic population? Such amendments might have been resorted to as a trial at least. It would have gone a long way toward convincing our people that no harm or injustice was intended; but, far from that, all of a sudden, without any warning, we were put face to face with the present difficulties, our schools were annihilated, our properties confiscated, and the schools that were known before as Protestant schools, were continued, in the same shape and form, under substantially the same regulations, under the name of public schools. The absence of regard for our feelings and for our rights is the clearest evidence that some other motives than the improvement of the schools were at the bottom of that campaign. As a matter of fact, Mr. Fisher, the then president of the Liberal Association in Manitoba, informed the country what those motives were. They were for party advantages, and, after having adopted such a policy for party advantages, they persist in it for the same purpose; but as there is some need to disguise that purpose, they resort to slander and abuse in the hope of raising the strongest prejudices to blind the people as to the real issue now confronting the country. Let us look more carefully into Mr. Sifton's statements. He begins by describing the school system in Manitoba and is pleased to inform his audience that we had two systems of schools. This first statement is, to say the least, inaccurate. I have already shown that we had only one system of schools. That was a system of public schools, which were more national than those by which they have been replaced. That system provided for the needs of all sections of the people, and not for a part only. The law itself (statutes 1881) says that it was to establish a system of public schools. There was only one law, applying to all the schools, and it gave, as it should, the control of the schools to the parents, according to their religious convictions. It was so framed and carried out that the term of "separate schools" which is applied to the Catholic schools very often is quite inappropriate. Our Catholic schools were no more separate schools than were the Protestant schools. Each one had towards the other the same status. The Protestant schools were as much separate schools as the Catholic schools. There was no inferiority in the one as to the other; they were on an equal footing. You can go all through that law and you will find its provisions applicable to all the schools. One of our strongest opponents, Rev. Dr. Bryce, has himself confessed the fairness of the system in the following terms in 1877. The

government grant is voted for one system of schools. * * No special rights are given to either Catholics or Protestants. In Manitoba the Roman Catholic schools are as much national as the Protestants.

Mr. Sifton complains that the action of the government was not seen at all in the system. This again is inaccurate. The hand of the government was directly felt in matters of money. As a matter of fact the government had the controlling power in financial matters. The law itself provided for the payment to the schools of the government grant. That grant was retained by the government, whose treasurer was the guardian of the school funds. The government themselves had the power to fix the appropriations of the sections of the Board of Education, and no payment was made except through the government and after having been submitted to the control of the provincial auditor, and received his watchful consideration and approval. So in financial matters not only the control of government was seen, but they had their hands completely upon the funds, their distribution and their payment. They were all powerful as to the whole expenditure of the two sections, and they exercised their power, and sometimes they did it in a very high-handed way. In 1889, for instance, were had a reserve fund amounting to nearly $14,000. The government of Manitoba although not authorized by law to do so, demanded our board to had over to them that reserve fund. In that demand, however, they fully acknowledged that fund to be ours, and gave us assurance that it would be available to our section at any time.

After having thus given us the assurance that the money would always be available to us, they went back on their own decision, and deprived us of that amount, they refused to distribute that money to our schools, although we had regularly applied for the same, and put before them a regular requisition and apportionment. That is another instance of the utter disregard with which we have been treated. As I have already said, this campaign commenced in 1888, at the St. François Xavier election, by false promises. It has been ever since followed by treason and hardships, which it is hardly possible to describe. Untrue to their pledges from the first, they have been untrue to their own policy as laid down by Mr. Greenway when he went to the late Archbishop Taché, with the view of receiving from His Grace help in the forming of his government, help which, on his pledge, was so willingly given to him only to bring afterwards to the lamented prelate such bitter disappointment that it may be said to have hastened his death.

The government had in another way its hand on the Bureau of Education, inasmuch as they had the appointment of the members of the board. Each year the term of three members of our section expired. On the government devolved the privilege and the power of appointing successors to the retiring members. In this particular also they used their power in their own way, and for their own advantage, in appointing at one time other parties than those recommended by the Catholics, and at another time in neglecting to make appointments. The appointment of the superintendent was also the privilege of the government. More than that, during the whole time, from the accession to power of the Liberal government in Manitoba till the coming into force of the law of 1890, the government was represented on our Catholic section of the Education Board by one of their members, and for the last six months at least there was also a member of the government on the Protestant section of the Board of Education. So the government had two of their members closely connected with the administration of the school law under the old system.

The members of the government and of the legislature were, by law, visitors of the schools. A book was there, in which they could record their comments. Why did not avail themselves of it? From all this, it will clearly appear to everybody that the government had a closer connection with the administration of educational affairs than one would be led to believe by the utterances of Mr. Sifton, and, consequently, that gentleman must be held to have disgracefully attempted to mislead public opinion, unless we come to the conclusion that he has no knowledge of the old law, which would be no surprise to me. On that point, I think I may safely say that at least four-fifths of the members of the legislature which passed that law of 1890 were not adequately acquainted with the old law. That ignorance of the old law was perceptible in the bill that was prepared. For instance, it designated as separate schools, the schools attended and controlled

by the Catholics, and public schools those controlled by the Protestants. The fact was that both were simply common schools That is the appellation which the law of 1881 gave them.

Mr. Sifton says that the system was in force from 1871 to 1890, and therefore the people had had ample time to see how it worked out. Although in discussing this question I am bound to reserve the constitutional question, I am quite prepared also to consider what was the opinion of the people at the end of that period, since there is an appeal made to that opinion on the other side. Is it necessary for me to recall to you that in 1888 an election took place in one of the constituencies of Manitoba, in which election the fate of the administration and of the opposition respectively was at stake? What took place, then? That question first came up in that election incidentally and soon became the turning point. Mr. Fisher, then the president of Liberal association, said in 1893:

> This became practically the leading question of the campaign and the contest was a crucial one. Should the Liberals win, it was plain, in the view of the losses sustained by the government, that they must resign. So the success of the Liberal candidates means that the party would at once attain power, while the election of Mr. Burke would almost certainly have insured the continuance of the Liberals in opposition till this day.

It is as clear as daylight, then, that the question came before the people at that election. Let us see how it was dealt with. The Conservatives, by their candidate, wanted to maintain the school system then in existence. Did the Liberals take the opposite view? Not at all. Feeling that the people wanted to maintain that system, they declared the policy of their party in this matter, otherwise the election would have gone against them, and would, to use the words of Mr. Fisher, "insure the continuance of the Liberals in opposition to this day." They then declared—and here I again use the words of Mr. Fisher—that "the Liberals had no idea of interfering with those institutions;" and Mr. Martin gave a positive pledge, in the name of the Liberal party, that they would not do so. Mr. Greenway was a party to the giving of that promise. The pledge was given in the name of the Liberal party, for a party purpose. Without that promise, the party could not have carried the election, and by that election alone they attained power. Now, hon. gentlemen, you have here the two political parties making an appeal to the people at a crucial time on that very question; the Conservatives pointing to their past record in favour of the maintenance of that school system; the Liberals desiring to attain power and for that purpose declaring that their future policy would be to maintain in their integrity the same institutions. These declarations were made by the leaders on behalf of their respective parties. They were the declarations, not only of the leaders, but of their followers also. That is, you have in this instance the electors requiring both parties to pledge themselves to the maintenance of the school system which had existed for twenty years. "The people," to use the words of Mr. Sifton, "had had ample time to see how it worked out," and the same people, far from being dissatisfied with the system, felt on the contrary so strongly in favour of its maintenance that both parties (that is the whole of the electors) had to pledge themselves to that effect. That was the verdict of the people at that time. Afterwards Mr. Greenway, when forming his government, went to Archbishop Taché and again pledged his party to the maintenance of that school system, as is proved by the declarations of Rev. Father Allard and of Mr. Alloway, himself a Liberal. After that Mr. Greenway had a general election in the province. The platform of his party, as declared in the previous election between Mr. Burke and Mr. Francis, was public and fresh to the memory of the whole province, and still standing. Did the people then declare themselves against it? Not at all. Nothing was said against that policy. Mr. Greenway, pledged as he was with his party to maintain that school system, was returned to power with the largest majority that ever existed in Manitoba in favour of any government. That verdict is evidence that the people who had had ample time, and good opportunities to judge of the working of that system, were satisfied with it. We have other expressions of the satisfaction of the people with that system in the following fact: In 1888, the same year that Mr. Greenway came to power, the superintendent of the Protestant schools, Mr. Sommerset, expresses himself in this way at a meeting of teacher:—

> In connection with its working (the law) during the last seventeen years it may be pointed out that the schools of the province have been managed without a particle of the denominational friction

that has caused disturbance and bitterness in other provinces of the Dominion * * the past history of the province encourages the hope that perfect justice to each interest shall result in a continuance of the harmony that now exists.

These words surely do not indicate any desire for a change in the system, although some of the details of the law might require change to suit the circumstances. Another gentleman, Mr. Morrisson, who is himself a Protestant, an Orangeman, and was for a time an inspector of Protestant schools in our province, published last year a paper in which he says :

Throughout all these years, from 1871 to 1888, no complaint was ever made with the workings of the separate schools system. * * * The people, Protestant and Catholic alike, were perfectly contented with the school system as it then existed.

And here, let me recall to you this statement of the *Morden Monitor* which I have already quoted : "The country never asked for such legislation."

But, honourable gentlemen, above all, the best evidence of the satisfaction of the people of Manitoba in connection with the late school system was the entire absence of complaints about it. They "had had ample time to see how it worked out," and they did not complain, showing thereby that they were satisfied to maintain it. The query must very naturally arise in the minds of the honourable members of this House : How, then, did the legislature come to pass the law of 1890? In answer to that I would say that the question was suddenly thrown upon the attention of the public by a couple of public men without any authorization on the part of their leader. Mr. Greenway, who hearing for the first time of the new platform that two members of his government were advocating, was reported as saying : "It's all bosh." It was conceded at the time by a leading newspaper that again this move was inaugurated for party purposes, and the accusation has not been, up to the present, successfully repelled. However, in 1890, the government, which had attained power on the pledge that they would not interfere with the language or institutions of the French Catholic population, introduced in the legislature two bills, by which they proposed to interfere with those institutions, and the legislature, which itself had been elected upon that platform of non-interference, disregarded the mandate it had received from the people and passed those iniquitous laws, with the view in all likelihood to serve party purposes again. And now, I am quite ready to admit that if the question was squarely and solely put before the people at present there is a probability that it would be decided against us, because the passions and the prejudices of the people have been raised, and between the judgment of the people in 1888 declaring itself for the maintenance of the school system then in force, and the contradictory judgment of the same people to-day, I would say that the first was a calm, deliberate, cool and unprejudiced judgment, while the second would not be, and, consequently, the parliament of Canada must in all fairness and equity give their preference to the former, and declare that the people "having had ample time to see how the system worked out," and being satisfied with that system, it was an extreme injustice to interfere with established institutions, an injustice to the Catholic population and an injustice to the country at large, inasmuch as the peace of the whole country has been disturbed by such action. As a conclusion of my argument on this point, I am safe to say that there is no foundation for the assertion that the people of Manitoba have ever asked for a change ; I may even say that there was practically, in 1888, at the date of the last general election previous to 1890, a unanimous consent that the existing institutions should be maintained, and the legislature, in passing the laws of 1890 went directly against the mandate it had received from the people. A grave accusation against our people is made by Mr. Sifton in the following words :—

One could go from one end of Manitoba to the other and he would not find, among business or professional men, a young man from any of these families ; the *children of such families remained on the farm where they were born.*

Although unwillingly given and not intended as so, it is the most eloquent test to our school system. If the hon. gentleman had first put himself to the trouble of making the inquiry he was inviting his audience to make, he would have found that he was misleading them. Right in Winnipeg and throughout the Catholic settlements there are young men who are engaged in business, some in professional studies. They cannot be as numerous as the young men of other nationalities, for the simple season that the group of population to which they belong is

a small minority. The fact of a great majority of the population being of a different creed, and having a different language, reduces to a great extent, for our children, the natural field which others have for the display of their ability; and, consequently, it hinders them and reduces their desire to engage in professional and mercantile pursuits. But apart from this there is another reason which Mr. Sifton has given himself, and although that gentleman has done so very unwittingly, that reason is one of the best compliments that could be paid to our young generation and our school system. "The children of such families," said he, "remain on the farm where they were born." True most of our children remain on the farm. If that is the result of our school system, by all means, for the welfare of the country, let us preserve that system. What is, in our days, one of the evils complained of and confronting the normal advance of the social movement? Is it not the migration of the rural population to towns and cities? Is it not the inordinate and disproportionate increase in the number of business and professional men? Not more than two or three weeks ago our distinguished colleague, the member for Hopewell, speaking in this House, said that "many of those who go into business should remain on the farm." And this honest and wholesome truth is in harmony with the views of all thinking people. The Ottawa *Citizen* of the 2nd of May last contained the following editorial on the subject:—

TOO MANY PROFESSIONAL MEN.

In England the cry is "Back to the land." There, as elsewhere, farmers have been leaving the soil to plunge into the whirl of city life. The glitter and movement, the roar and noise, of large centres attract the countryman, who begins to find his existence on the farm monotonous, and who sees possible prizes for which he thinks he may strive with good chances of success.

Back to the farm, even in this new country, we might well desire our people to go. All kinds of business feel the stress of sharp competition. All the professions are overcrowded. The *Canadian Medical Review* states that in Toronto there are scores of medical men not making $2 a day,—a very poor return indeed for the long years spent upon their education and for the amount of money devoted to it,—a very unsatisfactory sum on which to keep up the style of living that a professional man aspires to. *The Barrister*, a legal publication, deals with the same subject in its April number. It says: "It is probable that the incomes of ninety per cent of the profession do not average $600 a year, while fifteen years ago the average was about $1,000 a year." In other words, hundreds of solicitors throughout the country are working for less than brick-layers and carpenters. Young men on the farm would do well to bear these facts in mind when their ambition is aroused by reading stories of the brilliant successes of Lord Erskine, Lord Eldon and other great men who began with nothing but achieved high distinction and won rich rewards. Necessarily the number of the Erskines and Eldons is limited.

If we take into consideration the circumstances of our own province, we could not too strongly emphasize not only the opportunity, but even the necessity for our own sons to remain upon the farms—the necessity not only for their own sake, but also for the sake of the country. East and west, north and south of Winnipeg we have immense prairies, amongst the most fertile land in the world. Our province is above all and almost exclusively an agricultural country. Would it be an intelligent, patriotic and well-conceived policy to induce our young people to leave their farms and go into the cities and towns, where every year there is an influx of half-educated or lazy people constantly swelling that unfortunate portion of the population, whose lot it is to be a burden on the community, whilst if they had remained on their farms they could very likely have been counted amongst the most useful citizens of the land? This does not mean that the farmer should not be educated, but the fact that he is a farmer is no evidence of his being uneducated. And even if he was, I contend that an illiterate but honest, hard-working and fair-minded tiller of the soil is a better citizen than the philosopher whose instruction only serves him to better blaspheme his God. The illiterate farmer is a better citizen than Ingersoll with all his so-called science; the illiterate farmer who lives and lets others live in peace and justice is a better citizen than Mr. Greenway or Mr. Sifton, who go through the country disseminating false information, slandering a loyal and intelligent people, and doing their utmost to excite a section of the community against the other for the purpose of maintaining, against the wish of Her Majesty, the injustice of which they have been convicted by the highest tribunal of the empire.

The country is simply distressed by these politicians, whilst its prosperity and the development of its natural resources are promoted by the quiet, thrifty, righteous, industrious and intelligent, though perhaps underrated husbandman. "I wish," said

Mr. Gladstone, one day in 1889, "to dispel any notions that may be entertained that manual industry is necessarily an ignoble thing Rely upon it, manual labour is honourable, not only because it is useful, but honourable beyond the measure of its direct utility, when directed to honourable aims and honourable purposes." Fancy now the young Mr. Sifton opposing his dictum to the opinion of the Grand Old Man, and discrediting manual labour in the persons of the farmers and of those of their sons who choose to remain on the farms where they were born. These young men were given education before 1890, and we continue to give them the best education we can provide, notwithstanding the hardships to which we are now being subjected. We believe in education. There is, however, something which is above education, and that is proper education. When Mr. Sifton is discrediting that kind of education to which he attributes the fact of so many young men remaining on the farms, he shows that he has no sound idea of what a good education should be, or of the results that such education should produce. He is advocating that kind of education which, according to the chief of the detective force in San Francisco, "makes the pick, shovel and wheelbarrow repugnant to American youth." Speaking about the same kind of education, Prof. Royce, in his book, "Deterioration and Race Education," says that "the public schools system in the United States (which is the pattern of the system that is tried to be established in our community) kills in the child all inclination for physical work; it fills the country with office seekers," &c.

With the kind permission of the House I will read a picture which a gentleman writing in a United States newspaper, draws of the kind of education obtained in the public schools of that country:

> Neither the boys, he says, nor the girls taught (I won't say educated) in the public schools want actual work for a living. Very few of the boys are willing to learn trades, especially if they are kept at school long enough to get notions about being "gentlemen." Nearly all expect to get into some light occupation, something "respectable" and not requiring them to soil their hands or wear workshop clothing. They are willing to be book-keepers or salesmen, or general "clerks," or to be taken into banks, and many of them have an eye on broker's offices in Wall streets, and many more on the offices the politicians are fighting for. But they don't want to turn to and learn to be carpenters or blacksmiths, or plumbers, or bricklayers, or stonecutters, or anything else that seems a steady day's work with the hands. This is why New York is swarming to-day with fairly taught young men looking for situations as clerks or bookkeepers or as conductors on the street cars, or as canvassers of all sorts, and unable to get them. These thousands were produced largely by a false education, twenty or thirty years ago, and we are producing other thousands, many more thousands to-day to replace them when they go.

In conclusion this writer says:

> The fancy schools of to-day are in some respect a positive evil. Instead of "fitting our youth to earn a living," they unfit them to a large extent and tend to make them idlers instead of workers.

The same complaint is becoming general all over the world, and in Canada also expression has been given to the same ideas. However, Mr. Sifton wants it to be forced upon the people, and he makes a crime of the unwillingness of a section of the country to adopt his views. He finds fault with a system of education which instead of producing a distaste for rural life tends to keep our sons on the farms; he would prefer a system of education which might tend to take the young men away from the farms and make of them such office-seekers as I have just mentioned, a system that would swell the already overcrowded ranks of professional men in our cities and towns, whilst around all these cities and towns there are splendid farms unoccupied and unproductive to the great disadvantage of the province and of the country at large. I repeat, instead of demonstrating the inferiority of our teaching, the fact that our youth remain on the farms is strong evidence of its soundness both in its conception and in its results.

Mr. Sifton, speaking of the attendance at our schools, said:

> The attendance at school was not looked after at all.

From this remark one would think that our schools were deserted. The figures that I will place before you will be a surprise to you, as are many other assertions of our enemies. However, before giving these figures I should like to call your attention to a social aspect of the population of the North-west. This kind of preface is important inasmuch as it warns the public at once that matters in the far west should not be looked at in the same way as one would regard them in the east. Everybody knows that there is, in the province of Manitoba, a section of the population whose origin has much influence upon its views, customs

methods and whole behaviour. I am alluding to the half-breeds. These half-breeds are possessed of a noble character; they are brave and intelligent. But you must not forget that they were once almost the kings of the immense prairie. Then, they were isolated and the rest of the world had not much existence for them. They had no idea of the approaching change which took place in 1871, through the acquisition of the North-west by Canada. They were roaming through those solitudes without any appre hension of what was coming, and while proud of the white blood circulating in their veins, the blood from their mother made itself felt strongly. In their estimation, the freedom of their life, while fishing and hunting, was superior to our cares of our civilization. That was a time of liberty for them, and such was the force of the Indian blood quickening their pulse, and the influence of the prairie breeze fawning their brows that to convince them the time had come when they should put a stop to their free life and adopt our methods of life, was a task fraught with difficulties unknown to the larger portion of the present population of the far west. If you take into consideration the instincts of those people, their love of a wandering and unrestrained life, resulting from nature, from their origin, you will not wonder at the indifference at first of some amongst them to education. The Catholic church counts in its rank, by far the largest proportion of that element. Yet, notwithstanding that disadvantage, which necessarily puts us at a disadvantage in a comparison of statistics, I am sure that the Senate will find that after all we did not make too bad a showing. In going back to 1881, and comparing the percentage of the total school enrolment of both Protestant and Catholic children to the whole school population, we find the following :—

PERCENTAGE OF THE CHILDREN ENROLMENT TO THE TOTAL SCHOOL POPULATION.

1881.

| | |
|---|---|
| Protestant schools | $70\frac{2}{10}$ |
| Catholic schools | $66\frac{1}{10}$ |

1889.

| | |
|---|---|
| Protestant schools | $75\frac{7}{10}$ |
| Catholic schools | $69\frac{6}{10}$ |

It is to be remarked that in the case of the Catholics, the percentage is obtained by taking the school population from the age of 5 to 16, while in the case of the Protestants, it is obtained with a school population ranging from the age of 5 and under, up to 21, which must necessarily raise to a certain extent the percentage. But, taken as it is, there is only a difference of 6 per cent which is not sufficient to justify any criticism. Let us now take another point of comparison, that is, the

PERCENTAGE OF THE AVERAGE ATTENDANCE TO THE TOTAL SCHOOL POPULATION :—

1881.

| | |
|---|---|
| Protestant schools | $34\frac{3}{10}$ |
| Catholic schools | $32\frac{8}{10}$ |

1889.

| | |
|---|---|
| Protestant schools | $52\frac{4}{10}$ |
| Catholic schools | $46\frac{4}{10}$ |

Here again the difference is only from 2 to 6 per cent. There is nothing in that to have a storm raised. If we look at what has taken place under the new educational laws, inaugurated in 1890, what do we find? A continual decrease in the average attendance to the school population at the so-called public schools. The following figures are taken from the government reports :

AVERAGE ATTENDANCE TO THE SCHOOL POPULATION SINCE THE INAUGURATION OF THE NEW SYSTEM IN PUBLIC SCHOOLS :

1891.

| | |
|---|---|
| Protestants | $43\frac{3}{10}$ |

1892.

| | |
|---|---|
| Protestants | $43\frac{9}{10}$ |

1893.

| | |
|---|---|
| Protestants. | $41\frac{2}{10}$ |

These figures show a continual decrease under the new system; and the percentage is less than it was in the Catholic schools as shown by the figures in the first place mentioned under this head. There is a third basis of comparison, and which is the true test of the interest taken by those in charge of the schools in the attendance. It is the percentage of the average attendance to the number of enrolled children and here the Catholics are ahead of the Protestants.

The percentage of the attendance to the whole school population is not the true test of the efficiency of the schools nor of their management. In all countries, there is a proportion of the school population which is not enrolled on the school attendance. That is to be found even in countries where compulsory education is the law. In Ontario for instance in 1891, according to the Statiscal Year Book there were 78,512

children between 7 and 13 attending schools less than 100 days, although compulsory education is the law. It has always been so and it will ever be so in all countries, in defiance of all laws and of all exertions on the part of those in charge of the schools to ensure regular attendance. In those matters success is never equal to the will nor to the exertions. And the country which has come nearest to perfection in that respect is a Catholic country, the Luxemburg, in which the census has proved that out of a total school population of 31,580, the number of scholars actually attending elementary schools was 31,249, so that only 341 children were missing. That all the children do not attend school, can easily be explained by various circumstances, as for instance the distance, the severity of the climate, the condition of the roads, the pressure of work on the farms, the natural dislike of certain children to school work, the lack of interest sometimes in education on the part of the parents, all circumstances which are entirely out of the control of the school officials. It is not quite the same thing with the percentage of the attendance to the enrolment at schools. Here, although the rule should not be presented as an inflexible one, yet it is conceivable that the teachers and the officials can moderately influence the increase of that percentage, because they are more in contact with the children who are better situated to obey the impulse of their teachers. That influence we have made it felt as much as possible and the result shows our comparative success.

PERCENTAGE OF THE AVERAGE ATTENDANCE TO THE NUMBER OF ENROLLED CHILDREN.

| | Protestants. | Catholic. |
|---|---|---|
| 1881..... | 40·8..... | 50·2 |
| 1889..... | 65·$\frac{7}{10}$..... | 66·$\frac{6}{10}$ |
| 1891..... | 56$\frac{8}{10}$ | Since the inauguration of the new system. |
| 1892..... | 55$\frac{8}{10}$ | |
| 1893..... | 48$\frac{7}{10}$ | |

The figures for the Catholic schools cannot be given, as they have been crippled in 1890 and deprived of the regular means to ascertain their condition. But the public schools, under the new regime, have kept in operation, and this table, based on the reports of the education department, is an evidence that they are keeping on decreasing under that so-called public school system, that system which is held before the public like these patent medicines as a cure to all disease.

But this does not tell the whole story. In considering their own reports more closely what do we find? Under the so-called public system, almost half of the whole school population did not attend school for more than half year, which means about five months only of school in the year. Here are the figures taken from their own report.

| | Attendance less than 50 days. | Attendance 51-100, days | Attendance less than 100 days. | Total school population. |
|---|---|---|---|---|
| 1891... | 6,656 | 7,340 | 13,996 | 28,678 |
| 1892... | 6,075 | 6,231 | 12,306 | 29,594 |
| 1893... | 7,539 | 8,414 | 15,953 | 34,417 |

Fancy those people, which such a record, cheeky enough to denounce their neighbours whom they do not know but whom they are bound to denounce any way.

As a matter of fact, while the Catholic school authorities exacted as a rule 200 days of attendance during the year, such were the difficulties that confronted the management of the Protestant section, that they requested the legislature to permit schools not kept over 6 months to receive their grants just the same. That was an amendment passed in 1885.

Moreover, for the last six years of its existence, our board with the view of stimulating attendance, had been awarding prizes for attendance in all the schools. This is an answer to those who affirm without any knowledge of what they say, that the attendance was not looked after. In Ontario the attendance was only $\frac{52}{100}$ in 1891, according to the Statistical Year-Book—less than in the Catholic schools in Manitoba. If I have referred to the other schools it is not to find fault. I am too well aware of the difficulties that have to be encountered in that new province; I am too fair-minded to bring any ill-founded accusation, but if those people are not to be blamed, why should we be censured while labouring in the same country under similar circumstances, having to meet the same difficulties, and showing as good results as others, and even better?

Those difficulties are well described in the report of some of the Protestant inspectors, as follows:—

Owing to the extreme youth of the scholars, it is thought best to close the schools during the winter season.

Another, and also perhaps to some extent, necessary evil, which militates against the standing of

our schools, is irregular attendance, the exigencies of haying and harvesting seasons, the inclemency of the winter weather, the sparse settlement, the sordid nature of some parents and their indifference to the intellectual welfare of their children, account largely for the fluctuating attendance. (Report of Rev. J. Pringle, 1886.)

Another one speaks in the following way:—

There are great drawbacks of regular attendance in country schools in this province, the state of the roads in wet weather, the severity of the winter, the long distances to be travelled, the requirements of home work so pressing in a new country, all these combine to make regular attendance at school extremely difficult. Consequently the teachers are at a disadvantage—due allowance must be made for this in judging of the results of their labours. (Rev. A. E. Cowley, 1886.)

The Protestant superintendent sums up these drawbacks, in the following, in his report:

Some allowance can be made for the irregularity of attendance * * * the distance from school being in many cases two or three miles, and the roads or trails few and imperfect.

Notwithstanding all the above reports some people continue to repeat their accusations against our schools, as if theirs could not in any way be the object of unfavourable comments. Our hope is in the sound judgment and good-will of Parliament.

Our opponents now turn their attention to our teachers, and I am sorry to say that the same slanderous way of dealing with them is resorted to. Fortunately for us, and unfortunately for the accusers, they have been so exaggerated in their denunciations that any man, on giving to them his earnest consideration, will detect the imposture that is attempted to be foisted upon the public. He who attempts to prove too much does not prove anything.

"The teachers," they say, "placed in charge of the schools were not fit to teach anywhere."

As you see, there is no exception; all the teachers, according to this assertion, were unfit for their positions.

And by whom is this broad accusation made? By parties who do not understand our language—the language of our schools—and who have never visited those schools. It is characteristic of those who assail Catholic education that they have never set their foot in any of our schools or institutions, and yet they take upon themselves to judge without knowing, not doubting for a moment that they are doing a serious injustice to an important section of their fellow countrymen.

Was the intention of the gentleman who made that remark intending to assimilate the condition of our schools to that of the Protestant schools at a certain period? Very likely not. However, it may be interesting to quote here at the outset what the superintendent of the Protestant schools said in his report of 1887, about the insufficient qualifications of their teachers:

The operation of many of the rural schools during a portion only of the school year renders the task of keeping up a full supply of qualified teachers for the province a peculiar difficult one. Upon the closing of their schools for the winter, many teachers retire permanently from the work, and these schools with others opening for the first time the following spring produce a demand that severely strains the resources of the Board of Education to supply, and necessitates *the issue of temporary licenses* to a number of persons who *are not fully qualified by training or literary attainment for teaching.*

If that broad assertion is true, namely, that our teachers are not fit to teach anywhere, then, hon. gentlemen, the Protestant population of Winnipeg must be very derelict in their duties towards their children—for, just at this present moment, when I am addressing you, in one of the Catholic schools in that city, out of an aggregate attendance of above 200 pupils forty-five of them are Protestant children. So, at a time when, on account of the hardships that have been undergoing for five years, that institution must be presumed not to have the same means at its disposal to maintain its high standard, yet we find Protestant parents and children sufficiently confident as to the ability of the teachers and as to the general equipment of the institution, as to send their children to be educated there, and in such numbers as to form nearly one-fourth of the total numbers of pupils. Surely this public sympathy and confidence must show at once to every fair-minded man that the assertion to which I refer is in itself morally and substantially an impossibility, and consequently, a gross injustice to a body of teachers, to the efficiency of whom others also have borne testimony. I have already quoted the evidence of Capt. Clarke. Allow me again to refer to it. So long as the same accusations are proposed, so long must we defend ourselves with the arms which are at our command. Captain Clarke is a Protestant and was chosen by the govern-

ment of Canada to be one of the assistants of the High Commissioner in London at the Colonial and Indian Exhibition. His high character and his own education give to his testimony which I have already quoted, peculiar importance. Can it be said with any semblance of truth that teachers who are the object of such commendation are unfit for their situation? If the teachers were not fit for their position, could they have formed pupils of sufficient ability to send such exhibits as those to which the Canadian *Gazette* alluded in such complimentary terms in the quotation I have already made? Mere honest common sense directs the answer!

About 25 per cent of the teaching staff in the province was composed of those teachers; the others were, for the greater part, former pupils, trained under their care during many years, first, as attendants to the classes of the primary schools, and finally, as pupils of the normal classes. We had normal schools which had been in existence since 1883. To get admission, the applicants had to satisfy the Board of Education that they were sufficiently educated to be able to at least take the subjects of second class teacher certificates. The course was of two years, during which they both taught and were taught. At the end of each year they passed an examination and were granted, on satisfactory evidence of their ability, the certificate of second class after the first year, and first class after the second year.

The course of training comprised the subjects taught in our schools, but to a higher degree, and besides a special course in pedagogics. Let us, for the safe of argument, admit for a moment that some of these teachers might not have realized the expectations of the school authorities; surely when it is said that none of them were fit for their position, after such a training, it must strike your mind that such an assertion is of necessity and to say the last, a gross exaggeration and misleading. And any man attempting to mislead public opinion in this way gives just ground to the public for not attaching to his utterances, on any subject, the importance which they might otherwise merit.

As to teachers who could not take the normal school course, they had nevertheless to pass an examination on the same subjects as the normal school teachers. The subjects on which they were examined were—in French and English as follows:—

EXAMINATION FOR TEACHERS.

*Third Class Diploma.*

To obtain this diploma, the candidates must get 75 per cent on the total marks, and thirty-five per cent on each subject.

The examination is on the following subjects:—

1. Religious instruction.—Rudiments of the Catholic Doctrine.
2. Deportment.—Cleanliness, due regard to parents, to old age, to dignitaries, to masters; reverence in the House of God. Benevolence and politeness towards companions and strangers; good demeanour in the streets, in society: politeness at table, in private and general conversation.
3. Spelling.—From the 3 first Readers.
4. Reading.—The 3 first books of Dominion Readers, Latin pronunciation, reading of manuscript.
5. Dictation and definiton.—Selected passages from various authors.
6. Grammar.—Elements of Grammar, parsing and corresponding exercises.
7. Composition.—Narrations on easy and common subjects, Correspondence.
8. Writing.—On copy books No. 1, 2, 3 and 4.
9. History.—Sacred History, and general notions on the History of Canada.
10. Geography.—Geographical definitions, America—especially Canada—and Europe.
11. Arithmetic.—Mental exercises, the arithmetic up to Interest, included.
12. Drawing.—1st and 2nd part of the preliminary course—(Temple).
13. Vocal Music.—Plain chant.
14. Useful knowledge.—General notion of the senses, division of time, measures in use, currency; on water, dew, clouds, rain, hail, snow; on the earth, the sun, the moon, the star, lightning and thunder, the winds, and points of the compass.

*Second Class Diploma.*

To obtain this diploma, the candidates must get 60 per cent on the total marks, and 30 per cent on each subject.

The examination is on the following subjects:—

1. Everything as required for 3rd class certificate, and moreover:—
2. Religious instruction.—Historical, Doctrinal, Moral and Liturgical exposition of the Catholic Religion.—(First half).
3. Deportment.—Etiquette in writing letters.
4. Spelling.—From the 4th and 5th Dominion Readers.
5. Reading.—4th and 5th Dominion Readers, Latin pronunciation and reading of manuscript.
6. Dictation and definition.—Selected passages from various authors, and the use of synonyms.
7. Grammar.—Syntax, corresponding analysis and exercises.
8. Composition.—On giving subjects with or without a given sketch, analysis of selected narrations and of discourses.
9. Writing.—On the whole series of copy books.
10. History.—Complete knowledge of the History of Canada, up to our times, and general notions on the history of France and England.

11. Geography.—Mathematical, physical and political—Asia, Africa, Oceania.
12. Arithmetic.—The whole of the arithmetic, mensuration, book-keeping.
13. Geometry.—Elementary course.
14. Algebra.—To the end of the equations of the 1st degree, (exclusive of the indeterminate.)
15. Useful knowledge.—Element of physics and hygiene, notions on the animal kingdom.
16. Vocal Music.—Anthems, hymns, psalms.
17. Drawing.—Linear drawing and drawing of maps.
18. Agriculture.—General notions on agricultural produce.

*First Class Diploma.*

To obtain this diploma, the candidates must get 50 per cent of the total marks, and 25 per cent on each subject.

The examination is on the following subjects:—

1. Everything as required for the 2nd and 3rd class diploma, and moreover:
2. Religious instruction.—Historical, doctrinal, moral and liturgical exposition of the Catholic Religion—(second half).
3. Deportment.—Order of precedence, forms of address to persons of rank.
4. Spelling, Reading.—Poetry.
5. Dictation.—Selected passages, in poetry, from various authors.
6. Definition.—Of poetical expressions.
7. Grammar.—Thorough knowledge of grammar, prosody and logical analysis.
8. Composition.—On various subjects and discourses.
9. Writing.—On the whole series of copy books, and exercises on commercial forms.
10. History.—History of France and England.
11. Geography.—Mathematical, physical and political, complete course.
12. Arithmetic.—Cubic measurement and book-keeping.
13. Geometry.—Intermediate course.
14. Algebra.—To the end of the equations of the 1st degree.
15. Useful knowledge.—Elements of Botany and Chemistry, (organic and inorganic) and general notions of Geology, especially of the Canadian Provinces.
16. Vocal Music.—Hymns and Songs.
17. Drawing.—Geometrical figures.
18. Agriculture.—The soil and its preparation, cultivation of vegetables.

And moreover, for each certificate of the three classes, every candidate must, to the satisfaction of the examiners, undergo an examination on the Art of teaching in general, and, in particular, of teaching the branches corresponding to the degree of the diploma applied for.

The care of the Board of Education did not stop there. Apart from the first class certificates, which were, during the last year, made permanent, the other certificates were issued only for three years, thus obliging the teachers not to let their minds rest in inactivity, forcing them to continually work and study in order to post themselves for their next examination, and consequently giving ground for a reasonable hope of their yearly improvement. At present there are some of those teachers engaged in their professional work in the North-west at high salaries, showing that they have been found fit for such a position. Even the inspector of the Manitoba government cannot refrain from giving them, though in a half-hearted way, a compliment as to their ability. He says in his report for 1894:

As a rule the teachers have the ability and energy to do good work, but they lack the normal school training.

Can teachers who possess ability and energy to do good work, be said to be totally unfit for their situation, even if they lack a normal school training, which was not the case with most of them? One province of Canada, in 1893, had 997, teachers, of whom 222 were untrained, 392 who had but third class certificates, and 53 with interim certificates, and this for 718 schools—a total of 445 teachers having only third class certificate, or no certificate at all, employed in 718 schools. That province is under the school regime which the Catholics of Manitoba are asked to accept. Do you care to have its name? It is the province of Manitoba, under the new regime. Does such a record entitle the government of Manitoba, or their supporters, to speak disparagingly of the other schools?

I do not want to leave this matter of the teachers without mentioning the fact that so anxious was our Board of Education to help the teachers in their work and to secure their intellectual advancement, that each one of them was regularly supplied, free to him, with a monthly educational publication. Besides our board had framed certain rules which they had constantly before them. These regulations are as follows:—

*Article XV.* Besides the duties which are to them prescribed by law, the teachers ought to pay strict attention to the following rules:

1. To begin and to end the school by morning and evening prayers, such as are taught in the catechism.
2. To be watchful as to cleanliness and good order in the school and its dependences.
3. To exact that the children be polite, clean and assiduous, that they shall avoid in going to school and in returning home all that would be unbecoming.
4. To endeavour especially to inspire in the children the love of God so that they will act rather for the sake of duty than through selfish motives.
5. To never lose the opportunity to inculcate in the hearts of the children principles of honesty, truthfulness, and all those virtues without which

knowledge would be prejudicial rather than profitable.

6. To win the respect of the scholars by exemplary conduct in all things.

7. To encourage the affection and confidence of their scholars by worthy and conciliating behaviour.

8. To avoid and abstain from triviality and a too great familiarity in manner and language.

9. To beware against all partiality or unjust distinction between children.

10. To never allow themselves to pass any unfavourable remarks in regard to the parents, especially in presence of the children.

11. To subdivide the classes and teach the matters according to the programme of studies.

*Article XVI.* When the number of children attending a school regularly is more than fifty, the trustees shall appoint an assistant to the teacher.

It has been alleged that the standard of our teachers' examination was not sufficiently high. I have shown by the figures just above mentioned that more than half the schools of Manitoba under the new regime are attended by low grade teachers and in that respect they have no right to assail others. But to return, and in support of the above assertion, some questions put to the candidates at such examination, have been cited as an evidence of the insufficient qualification of the teachers. The way that kind of argument is being brought forward is most discreditable. It consists in picking out of a large number of subjects and questions, a few of these, so as to cast ridicule on the whole examination. After all, it only shows the disingenuousness of our opponents. For instance, they cite examples in four subjects, but they leave out ten other subjects, including pedagogics, grammar, composition, rhetoric, logical analysis, arithmetic, algebra, drawing, agriculture, object lessons, the latter including some rudiments of botany, chemistry and physics. Evidently, such a mode of dealing with the question is not fair. But let us examine more closely into these quotations.

One of them has reference to deportment :

(1) How is a letter addressed, when written to a prelate, a priest, to a professional man. How are such letters concluded ?

In conversation, what titles do you employ in speaking to those same persons ?

This is simple enough, I admit. Yet, I know some quarters where there is still more simplicity in that respect : they dispense entirely with that subject in education, and it is no wonder that the result is thus indicated in the United States, whose system is offered us as a model. I read from an article in the *Evening Post* of New York, published in 1889 :

The result is that in all probability our youth is the most ill-bred of the whole civilized world.

Mr. Ewart, our distinguished solicitor before the court, said in his argument before the Cabinet Council in Canada, last winter :

As to those questions....all can say is that I wish that they had been taught in the schools when I was young.

If such wishes as those expressed by Mr. Ewart were realized, such instances as the following would not perhaps take place ; one day a Catholic clergyman of our province, who is a member of the examining staff in the University of Manitoba, was invited by the principal of a Protestant high school to pay him a visit. The invitation was accepted, and the priest went to the high school, but in exchange for this courteous act towards the principal of the school, he was saluted with hissing by the pupils. About letters, it is true that the plain, artless and easy forms such as "your's truly" or even the shorter "your's" which are found at the bottom of so many letters, do not require much cleverness or application, and perhaps they are right in the so-called public schools in not paying much attention to such trivial matters, but since they choose to dispense with that sort of thing, they have no right to complain of what we do in that direction, however little it may be. Be that as it may, we are not left entirely without some comfort, if we proceed to make comparisons.

In one of the public teachers' examinations the following question was asked :— "How many legs has a spider ?" I do not know whether the candidate answered right, but I cannot help thinking that the teaching of good deportment to children is much more important to them than to be taught about the number of legs of a spider. Another question which is found fault with is the following : "What is the capital of England ?" Well, this is not the whole question that was put on geography, but it has been picked up and presented as above in order to produce a better effect. There were other questions on the same subject, such as the following : "Draw the continental limits of North and South America, tracing all the countries, rivers and mountains, and locating the capitals and most important cities of each country." But let us take the first question as it was brought out by our opponents. That is a simple question, I admit, but if I look at the examination

papers of the Protestant schools I find such questions as this for a first class teacher—for instance, "What is a verb?" Is not the latter as simple as the former? First-class teachers were asked to parse such words as: we, voice, like, with, etc. Second class teachers were asked to spell the words "sugar, pleasant, truly, Wednesday, February, accommodation," and a few other words, and the examiners in their report say: "The number of mis-spelled words found in the pupils' papers was professedly unaccountable to the teacher, but extremely suggestive to the examiner." Here is another question which is most suggestive:

Which of the following sentences has the better arrangement? Why?

(*a.*) The French idea of liberty is: the right of every man to be master of the rest; in practice, at least, if not in theory.

(*b.*) Whatever it may be in theory, it is clear that in practice the French idea of liberty is: the right of every man to be master of the rest.

Quoting the words of an eminent priest in Winnipeg, Rev. Mr. Cherrier, I might say:

Nice reflections, is it not, on French ethics! Let the arrangement of the sentence be as it may, I have no hesitation in saying that in the present instance the examiner could not but instil very strange and altogether unjust and false principles regarding the French idea of liberty.

I would add: How can we rely on such people for the education of our youths? Shall we be compelled to expose our children to such insults to our own blood and to such a distortion of facts and doctrine? I might give these quotations at greater length, but I desire to turn my attention to something more serious. Reference is made to questions as to religious and morals in a way which discloses a lamentable ignorance of our Catholic belief. The following are the questions:—

What is the Church? Where is the true church? Ought we to believe what the Catholic Church teaches us, and why?

These are the questions which are sneered at. Any one conversant with the Catholic religion and morals knows that to answer these questions is almost giving the whole economy of the Church and the cardinal points of Catholic belief. It does not become any one who contemplates divorcing religion from the schools, or who is satisfied with the mere reading of a few selections from the Bible, such only as are authorized by the state, to speak with levity of our examination or of our teaching in religious matters. In connection with this subject I may mention one important thing to be considered: it is the difference of the circumstances and consequently the necessary difference in the object aimed at. In the examination held by the other section they aimed at qualifying teachers not only for the primary schools, but also for high schools, collegiate institutes, and for the principalship of intermediate institutions, but we had no such organization. Our children leaving the primary schools go direct to our college, an institution receiving no public money and where they find professors who are themselves members of the university staff. Owing then to the difference of the work they were called upon to perform, we felt, and I still feel that we would not have been justified in exacting from them such qualifications as would fit them for such high work for which there was no field, and which was not in our gift.

Now, hon. gentlemen, it seems when we hear those critics that everything should be perfection in the other camp. We have not been in the habit of looking through the windows of our neighbours, but since we are taken to task so severely, let us for once pull the curtain aside, just a little bit, and see whether one could not also find fault. I have already called your attention to the low grade of at least one-half of the total number of teachers in the other schools and to the deficiency found in spelling such easy words as sugar, Wednesday, February, &c. In our examinations we would not think of giving any paper on spelling. It is too easy work, in our opinion. But it appears that something of that kind is needed in what are called national or public schools, and to keeps ourselves at their level, we had to introduce that subject in our examinations. I am a witness to the fact that some years ago there were so many mistakes in the grammatical writing of the English candidates at the university examinations that the matter was taken into consideration by some of the committees of the council. The question arose whether those mistakes should not be counted in the correction of these papers, even on subjects not connected with grammatical examination. Yet, these students came from the so-called perfect schools, under highly qualified teachers, such as we were held incapable of having. And even during the last years what do you find?

In 1887 some of the inspectors of Protestant schools complained of the "continued scarcity of trained and certificated teachers." Another said: "The principal defect in the teaching was ignorance on the part of some teachers of the proper methods of instruction." The superintendent, speaking of certain difficulties they were labouring under, concludes by saying "that such difficulties necessitate the issuing of temporary licenses to a number of persons who are not fully qualified by training or literary attainment for teaching." I do not refer to this with a view to finding fault. I am satisfied that the best that could be done was effectively done. Considerable allowance must be made in a new province like ours, with a scattered population and with a class of population not supposed to be well off at the beginning of its settlement. The immigrants are coming to the west for the purpose of improving their condition in that respect; but if allowance is made for the Protestant section, why not do the same for our section?

I might go on citing instances, I might recall the letter of a parent in the *Nor'-wester* of the 20th or 21st January, 1895, complaining of the cramming system in vogue in the public schools and winding up his complaint with these words: "If the system if presisted in I will have to remove my child, as I had to do with an older sister."

I could also refer to a lecture given in Winnipeg by Rev. Prof. Stewart in January last, finding fault with the normal school of the province, and referring to a case where a young lady of 16 years of age only was appointed principal of a large school. In the same lecture the reverend gentleman complained of the direction given to instruction:

> At present, the trend is all towards the teacher's certificate. As soon as a boy got up in his class he began to think about a third class certificate. And when he got that certificate he had either to get a school and teach or else become a failure. The pupil had become too far advanced to soil his fingers with a trade or with farming.

In 1893, the *Free Press*, of Winnipeg, said that out of every twenty children there was not one whose writing, on leaving the schools, had the required qualifications for business. What is called the public school system, as distinguished from the separate public school system, does exist elsewhere. It is in operation in Ontario and especially in the United States. Is everybody satisfied with it, even amongst the non-Catholics? In November, 1893, a correspondent of the *Globe* wrote as follows:

> The educational advantages (?) offered by the much vaunted public school system of Ontario, as exemplified by some of the schools in this city, are not quite up to the standard claimed by interested advocates for them. In these days of keen competition, the only thing needed is a good commercial education. The public schools were specially designed to impart this knowledge, but on the whole, have signally failed to do so.

The Daily *Spectator*, Hamilton, of November 28, 1894, said:

> We find that while Mr. Ross's system (Ontario) with 10,000 separate exhibits won only 47 awards—3 of them given to please somebody—the much despised schools of Quebec, unenlightened, ignorant, unlearned Quebec, with 10,000 separate exhibits, won 60 awards, none of them begged. Put it another way: Ontario received one award for every 213 exhibits; Quebec one award for every 166 exhibits.
>
> ....The time may come when Ontario people will cease to make the worn out boast that this province has the best system of education in the world. The time will come when deluded Ontario people will acquire some knowledge of some other system of education.

The *Empire* of 24th April, 1890, speaks of the oppressive monopolies for publishing school text books established for a term of years:

> The outrageously high prices charged to pupils whose parents have to foot the bills.
>
> The holding of bogus arbitrations so transparently absurd as to constitute an insult to the electors.
>
> The gradual growth of bureaucracy and political scheming in educational administration.
>
> Continual, vexatious and unnecessary changes in the text books to increase ministerial patronage.

It must be obvious that a system open to so many objections, is not perfect enough to justify its advocates in thinking themselves superior in point of wisdom to the bishops of the Catholic church.

Inspector Kelly, of the county of Brant, in 1893, reported:

> We in Ontario are prone to boast, and not without a show of reason, of the excellence of our school system. Theoretically it is better than that of any of the neighbouring states, and so far as the primary schools go, better than that of England, Ireland or Scotland. But it is not perfect; those who say so, merely show how narrow their intellectual horizon is. Its cost, especially in the cities, is ever present with us, but its results have for the most part yet to declare themselves.

In the report of the Minister of Education in 1889, Inspector Mitchell, of Lanark county, stated:

A large number of rural pupils over, say, thirteen years of age, are receiving practically no instruction.

Inspector Johnston, of Leeds county, said :

The only serious obstacle in the way of educational advancement is the low grade of teachers—the teacher sometimes does not know history or geography enough to give the class a few minutes' drill without the aid of the book. Grammar in some schools is viewed with reverential fear and dread; the pupils, apparently, think that it is worse than useless, and the teacher has not sufficient tact to dispel unmeaning prejudices.

In the 1892 report of the Minister of Education for Ontario we find the following :

In the county of Lanark there were 134 teachers in 1891 ; 3 first class, 8 second class, 97 third class, 28 temporarily qualified. * * *

It seems to be a reproach to the intelligence and progressiveness of a county such as ours that so many third class recruits are constantly employed.

Inspector Craig, in 1893, reported :

The condition of the schools in the inspectorate is not very satisfactory ; there is an evident lack of interest in educational matters in many of the rural sections, and in some cases this lack of interest has developed into a positive opposition to improvement and progress in school matters ; too often the rate-payer elected to fill this office of trustee is a person whose sole object is to curtail expenses and reduce the school tax to a minimum. This leads to a demand for cheap and, consequently, inferior teachers, and as a necessary result, inferior schools.

The investigation in the Toronto University has revealed weak spots. Are we, therefore, to condemn that very high institution, and its professors ?

And now, if I am permitted to turn my attention to the results obtained in the United States, here is a sample of the judgments which have been passed upon them.

A newspaper in California, *The Alta*, said in 1872, "that if we are to judge this system by its apparent fruits, we shall have to pronounce it not only a melancholy, but a most disastrous failure." If we come back to the eastern states, we find one Mr. George A. Walton, agent of the Massachusetts State Board of Education, setting forth as follows the condition of the public schools in a locality bordering on Boston where the inhabitants are somewhat exceptional in wealth. His report in summarized by the *Chicago Times*, and it says :

The examinations were, in the first place, of the simplest and most practical character. The showing made by some of the towns was excellent. In the case of others, and of many others, it is evident that the scholars of fourteen years of age did not know how to read, to write or to cipher. They could, it is true—rattle off rules in grammar and arithmetic, not one word of which they understood—if they were called upon to write the shortest of letters or the simplest of compositions, or to go through the plainest of arithmetical combinations, their failure was complete. They had, in fact, been taught what to them were conundrums without end ; but the idea that the teaching was to be of any practical use in the lives of these children, when they grew to be American men and women, formed no part of the system, and evidently had never entered into the heads of the instructors. Then, when the letters and compositions were brought in, the ingenuity in bad spelling seems simply incredible. Unless the different mispellings of the word "scholar" for instance, were given, as in this volume they are, who would believe that they would be some two hundred and thirty in number ? Then, sixty-five different spellings are enumerated of the word "depot"; one hundred and eight of the common word "repose"; and fifty-eight of "which." Out of eleven hundred and twenty-two pupils who used the adverb "too" in the narrative, eight hundred and fifty-nine or nearly seventy-five per cent of the whole, spelled the word incorrectly. . . . . Then we are given *facsimile* lithographs of these letters and compositions, showing their average excellence in certain of the towns, and anything worse it would be hard to conceive.

Mr. Charles Francis Adams, jr., in a paper on "New departure in the Common Schools of Quincy," wrote :

It appeared as a result of eight years' school teaching, that the children, as a whole, could neither write with facility nor read fluently.

Mr. Richard Grant White, one of the foremost and brightest thinkers in the United States, wrote an article in the *North American Review*, December, 1880, on the American school system. In the course of that article he says :

There is probably not one of those various social contrivances, political engines, or modes of common action called institutions, which are regarded as characteristic of the United States, if not peculiar to them, in which the people of this country have placed more confidence, or felt a greater pride, than its public school system. There is not one of them so unworthy of either confidence or pride, not one which has failed so completely to accomplish the end for which it was established. * * * According to independent and competent evidence from all quarters, the mass of the pupils of these public schools are unable to read intelligently, to spell correctly, to write legibly, to describe understandingly the geography of their own country, or to do anything that reasonably well educated children should do with ease. They cannot write a simple letter ; they cannot do readily and with quick comprehension a simple "sum" in practical arithmetic ; they cannot tell the meaning of any but the commonest of the words that they read and spell so ill. * * * Crime and

vice have increased almost *pari-passu* with the development of the public school system, which, instead of lifting the masses, has given us in their place a non-descript and hybrid class.

I may be asked what is my object in making those quotations? Is it intended to use them as a condemnation of the public school question? My answer is that it is not. It may be or may not be a condemnation of that system, but that is not my object now. My only object is to show that this system also partakes of human weakness, and that if our Catholic schools have weak points the others are not without their own defects. I will add this: Up to the present time, we have refrained from passing judgment upon the public schools. We have stood upon the defensive. But I am bound to say, if that kind of warfare is maintained against us, we will have to change our ways. We will take the offensive. We will carry the war into the other camp. The quotations that I have made must show to all sensible people how easy it would be for us to indict the so-called public school system under all its aspect. I have a pile of such information and documents. I might add, for instance that according to the Census Bulletin No. 17, it is shown that—

The adult population—

—these are the words of the bulletin—of New Brunswick is not as generally able to read and write as it was was twenty years ago; whereas the advance in education of the juvenile population of Quebec, between ten and twenty years of age, has been greater than that of any similar group in in any of the other provinces.

Is it not a strange retribution? Twenty-four years ago the great argument thundered forth against separate schools in New Brunswick was that they would lead to the same illiteracy that existed in Quebec. Accordingly, New Brunswick refused to give a legal status to the separate schools, and has ever since been retrograding. Quebec keeps her separate schools and has made greater strides than any other part of the Dominion. That is the testimony of the census. Whilst on this subject I desire to enlarge the scope of my remarks. It is not only the Catholic schools of Manitoba that are assailed; it is the whole system of Catholic education, and use is made of the alleged inferiority of Catholic education elsewhere to convince the country at large that it would be bad policy to restore to the minority of Manitoba its rights. It gives to that general aspect of the question an undeniable importance. Nothing is further from the truth, hon. gentlemen, than the broad and persistent accusations against the Catholic church that she aims at keeping the people in ignorance. From the very beginning of her existence she undertook to dispense largely, and gratuitously, not education only, but instruction. She opened schools and already in the second century there were Catholic institutions flourishing in Alexandria, which was then a centre of learning. All the arts and sciences of the time were taught in those schools. A panagerist of Origen, who was a professor in that city, speaks in the following way of his methods:

Before receiving students, he used to examine them by a series of questions to discover their defects, and to try and correct them. He then taught them logic to whet their understanding—not, however, the logic common with ordinary philosophers, but the logic of common sense, which is necessary to all, Greeks or barbarians, the learned and the unlearned, in short for all men whatever vocation they may choose to follow. To logic he added natural philosophy, which he taught in such a manner as to illustrate and classify every single object, to reduce it by a simple exposition to its first elements, and explain the nature of the whole and its parts, and the serious changes to which it has subject. This he did to inspire the pupil with a rational instead of an irrational admiration of nature. Then the student was introduced to the study of geometry, the firm and unshaken basis of all the other sciences; and astronomy, which contemplates the firmament, and leads to the sublime and heavenly. After these preparatory studies, he is taught moral philosophy, and herein Origen exhibited to all in himself a golden mirror of virtue and piety. He taught the student particularly to enter into his own spirit; to provide for the soul above all other things, and to practise piety. He then read with them the writings of ancient philosophers and poets, except those who denied the Providence of God, for these were not considered fit to be read, lest by them the soul should be defiled. The student was made familiar with all the philosophical systems, wherein the teacher accompanied him in spirit, as on a journey, and led him, as it were, by the hand when any thing abstruse, doubtful or deceptive presented itself; or like an expert swimmer, to whom no feat is unknown or untried, who being himself secure from all danger, stretches forth his hand to extricate and save others from drowning. The course of study was concluded with the exposition of the sacred books and the christian philosophy.

This long passage shows how the church, from the earliest ages, was solicitous to teach not only the christian doctrine, but the whole cyclopædia of the known sciences. Alexandria was not the only christian seat of learning of this kind in the first centuries.

There were similar institutions in Jerusalem, Antioch, Edessa, Caesarea, Nisibis, Neocaesarea, Nicomedia, Smyrna, Naziansus, Byzantium, Rome, Carthage, Hippo, Lyons, and other places. These were for adults, which presupposes the existence of primary schools where these adults had received the rudiments of knowledge before going to those high institutions. In fact, there were schools attached to the churches and supported by them. In the second century we trace a priest, named Protogenes, who at Edessa taught the children to read and write and sing the psalms. In the fourth century we find St. Basil the Great, making the education of the youth one of the chief ministries of the monks, and giving them circumstantial hints on the method of teaching. Soon the priests exerted themselves to gather a circle of boys around them to whom they imparted the rudiments of knowledge. This practice was sanctioned by the ecumenical council at Constantinople in 681, which prescribed that schools be opened in all parishes. So a school was attached to each monastery. And when the tide of the barbarians had almost swept away every vestige of civilization in Europe, from whence did come the light which dispelled the darkness hovered over the face of the continent? There was a tiny islet in the western sea, and in that "Gem of the Ocean," almost out of the reach of civilization, were found schools by the hundreds and students by tens of thousands, who soon shed their lustre all over the world. The fame of those institutions were such as to attract students from all parts of Europe, even from the classic shore of Hellas. And the sons of the Catholic and enlightened Ireland turned out and went to bear the good tidings of the Gospel, of science and civilization to the Scot, to the Anglo-Saxon, to the German, to the Swiss and the Gaul. Such were their exertions and influence that a German writer of the ninth century (Emmerich von Reichenau) exclaims with the warmth peculiar to his times: "O, how could we ever forget Erin, from which such light and splendour has dawned upon us!"

Before the reformation there were no less than 66 European Catholic universities of note, of which Italy had 17; Germany, 14; France, 12; Spain and Portugal, 10; England, 2; Scotland, 3; other countries, 5. In the fourteenth century the University of Boulogne numbered 13,000 students, and (including fellows, tutors and students) formed a body of 30,000. The number of years devoted to study, exclusive of the preparatory course, was generally 7 for arts and 12 for professional branches (theology, medicine and law), making in all at least 19 years of higher studies. These institutions turned out men like Alfred the Great, Alcuin, St. Bernard, Albertus Magnus, St. Thomas Aquinas, St. Bonaventure, Duns Scotus, Alexander of Hales, Roger Bacon, Dante, Petrarch, Chaucer or Sir Thomas Moore, thinkers, writers and polished geniuses, who not being subjected to our barbarous and criminal cramming, had something more in their intellects than a mere smattering of everything, and to whom humanity and education owe more than to the noisy educationist of our days. True it may be, natural sciences were not as far advanced as they are to-day, but to make a reproach of that would be equivalent to blaming Sir Isaac Newton for not inventing the telephone or the electric light. The church had then not only provided for high education, but she had also primary schools established. At the beginning of the fifteenth century the diocese of Prague, which covered a comparatively limited area, had at least 640 elementary schools. Taking that number as a basis, it would have given for Germany alone 40,000 elementary schools. In the year 1378 we find sixty-three lay teachers occupied in elementary schools. I could go on in the same strain with all the countries, but is not this sufficient evidence that the church is far from being opposed to education? She has founded the first schools in Christendom. She has saved the remnants of ancient civilization. She has given birth to those great institutions of learning which have been the cradles of genius and seats of literature and philosophy. With many it seems as if the normal schools were of a recent foundation. The fact is that as far back as the year 1684, we find a priest, the venerable Jean Baptiste de la Salle, establishing a normal school under the name School Teachers Seminary. The course which he advocated contained for elementary or primary schools: sacred history, religious instruction, reading, writing, grammar, arithmetic, rudiments of book-keeping, coin system, weights and measures, drawing, singing, the drafting of the forms used in the ordinary civil acts, and deportment; for the Model school, he had,

besides, history, geography, literature and rhetoric, book-keeping, geometry, architecture, natural history, mechanics, cosmography, music, and some other subjects, like modern languages, &c. In his instructions he says: "We must teach to children but useful things, of which they may be able to avail themselves in after life. The teaching must be practical, and in connection with the state of life to which the child is destined. To teach children the theory and the advantages of the art which they study is a very useful thing, but practice is more necessary than theory." These rules, which are still at the bottom of the Catholic education, show that we are not content with the reciting of prayers or of the catechism, as some are inclined to believe, but that we strive for a good, practical, and useful education, in order to put every child in a position to hold his own in this world and to be a good citizen and a good christian. This aim has been so successfully attained, and that result is so widely known, that our teaching religious orders have been called upon to open schools all over Canada and the United States. From Halifax to Vancouver, from New York to San Francisco, from the Gulf of Mexico to the Arctic Ocean, these able, devoted, and unselfish teachers are found giving their whole and undivided attention, untrammelled by all earthly ties, free from the clogging influences of wordly affections, to the work of education. We find them amongst the Indians, knowing no differences, and imparting to all with the same love and zeal, the godly gift of knowledge. If those teachers were not fit for their work, would they be so universally desired and invited to take charge of the schools, whether primary or high schools? They would not be able to subsist; they would be wiped out of existence. But instead of that, the requests they receive are so numerous, that they are obliged to refuse some of the calls made upon them. Their achievements in the United States have been such as to elicit the following remarks from a Protestant paper in San Francisco, speaking of a Catholic institution in Oakland, California, under the control of the same order to which are entrusted some of our schools in Manitoba:

> It is a home where moral and religious teaching go hand in hand with mental and physical training giving healthy action to both brain and soul. The secular curriculum is of the highest order, and the convent of the Sacred Heart has, in the thoroughness of its methods and the scholarship of those who have been educated within its walls, attained an enviable reputation throughout the state.

I have already referred to the success achieved by the Catholic schools of Quebec at the Chicago Columbian Exhibition. I desire, however, to put on record here some testimony of the high appreciation of which they have been the object. I will first quote from the report of our Canadian superintendent of the liberal arts at Chicago during the exhibition. Mr. Morton says in his report, page 42, of the general report of the Executive Commissioners of Canada:

> The province of Quebec in this her almost first school exhibit presented to the many millions who visited the fair an extensive, artistic and instructive display. The Reverend Abbé Bruchési had under his charge nearly four hundred schools, representing various religious institutions throughout the province, the primary schools, the University of Laval and Laval Normal School. The display made by the 100 schools of the convent of Notre Dame of Montreal representing 24,000 pupils, elicited much admiration. The excellence attained in those studies peculiar to young ladies, was the most characteristic feature of this exhibit. The Christian Brothers' schools were largely represented by exhibits in drawing, writing and studies in commercial work. They represented nearly 20,000 pupils, and their most marked characteristic was the excellence of the writing, penmanship that was equalled by none at the World's Fair. The primary schools had a good showing in every day school work. The result of this exhibit made by Quebec must dispel the idea wherever it prevails that she is not progressing in education.

The report of Mr. Morton contains also the following lines:

> Mr. Serrurier, representative of the French Minister of Education, and author of the inductive method of teaching, said: He had made a minute examination of the several school exhibits, and declared they were the finest of the whole exhibition, not alone in intrinsic value, but because of their admirable arrangement. At this great fair Canada gives an example which should be followed by the older nations of the earth.

I know that these remarks of Mr. Serrurier refer more particularly to the exhibit of the province of Quebec. That gentleman wrote to the Abbé Bruchési in this way:

> I have been amazed by the intelligent way in which your exhibits are classified * * * Your copy books are the only ones having clear and precise headings conveying to the observer the information desired as to the school, the standard, number of pupils, the age, &c., I have also noticed with pleasure that the every day school work, in all the standards, bears with it a tone of sincerity which is very seldom found at exhibitions.

The *Pilot* of Boston also said, June 5th, 1893:

These exhibits speak for themselves. They reveal the devotedness, the ability of the teachers, the attention and talents of the pupils. Nothing better could be found in the art gallery.

On the 29th of August, 1893, the *Daily Sun*, of St. John, New Brunswick, said:

The province of Quebec, the oldest in Canada, has made an exhibition of her school system which, to judge from the quality and of the number of the exhibits, will contribute to dispel many false ideas as to her degree of civilization * * In drawing, writing models for teaching the blind, education of deaf and mutes and, in fact, generally all that leads to the advancement of a country and a people in an educational point of view, Quebec schools today are in the front ranks.

Mr. Joncas, a distinguished member of the House of Commons, who had gone to Chicago with prejudices against some of the Quebec school, declared after a careful examination of the Quebec school display that he had "to shake off his own prejudices" and he adds: "Our school exhibition is the most practical of all that I have ever seen, and I have seen quite a number" * *" With a great deal of pride I say that the Canadian school exhibition is one of the finest, perhaps the best, in the whole Liberal Arts Gallery." The success of Quebec in Chicago, our own schools had elsewhere, under quite similar circumstances. Though I have already laid before the Senate evidence to that effect, allow me to put again on record a statement of our success at Portage la Prairie, in 1883, where we obtained prizes in cash, and diplomas for our school exhibition; at London, at the Indian and Colonial Exhibition, where we obtained diplomas, the only reward given there.

The late Superintendent of Education in the province of Quebec, is a man of recognized experience and authority in the Dominion. On the occasion of the celebration of his tenth year in the administration of the department, the Protestant Committee in Quebec passed a resolution in which they placed on record:

Their high sense of the equity and ability with which his duties have been discharged and to congratulate him upon the advance which under his energetic superintendence, education has made, and is making, in the province.

This resolution justifies me in attaching a high importance to his testimony. Writing to the Catholic superintendent of the schools in Manitoba, while at London, and after a careful examination of the school exhibition, he said:

After mature consideration, my opinion is that our Quebec system and yours, is as perfect as any other now in force elsewhere.

Our opponents may talk as much as they please after that of our alleged illiteracy; they will not be believed. There is no more illiteracy amongst the Catholics than amongst the non-Catholics. There is less boasting, but there is as much eagerness for education and as much knowledge. That charge of illiteracy, as I have already said, is not peculiar to our province. It is the old and usual charge that is always made by some people against Catholics generally and their church, a charge of which honest and well-informed Protestants disapprove. A man whose repute does not necessarily fall before that of the men composing our Manitoba Government, Mr. Gladstone, has said:

Since the first three hundred years of persecution the Roman Catholic church has marched for fifteen hundred years at the head of human civilization, and has driven harnessed to its chariot as the horses of a triumphal car, the chief intellectual and material forces of the world; its learning has been the learning of the world; its art the art of the world; its genius the genius of the world; its greatness, glory, grandeur and majesty have been almost, though not absolutely, all that in these respects the world has had to boast.

"The praise of having originally established schools," says Hallam, "belongs to some abbots and bishops of the sixth century."

Ranke also says:

A sure and unbroken progress of intellectual culture has been going on in the bosom of the Catholic Church for a series of ages. The vital and productive elements of human culture were here mingled and united.

A Presbyterian writer, Laing, in his "Notes of a Traveller," made the following statements in 1842:

The education of the clergy of the Catholic Church is positively higher and, beyond doubt, comparatively higher than the education of the Scotch clergy. * * It is much to the zeal and assiduity of the priesthood in diffusing instruction in the useful branches of knowledge, that the revival and spread of Catholicism have been so considerable among the people of the continent.

Speaking of the assertion that the Catholic clergy leave people in ignorance, the same writer says:

This opinion of Protestants is more orthodox than charitable or correct. In Catholic Germany, France, Italy and even Spain, the education of the

common people in reading, writing, arithmetic, music, manners and morals is at least as generally diffused and as faithfully promoted by the clerical body as in Scotland. Education is in reality not only not repressed, but is encouraged by the popish church. In every street in Rome, for instance, there are at short distances, public primary schools for the education of the children of the lower and middle classes in the neighbourhood. Rome with a population of 158,678 souls, has 372 public primary schools, with 482 teachers and 14,099 children attending them. Has Edinburgh so many public schools for the instruction of those classes? I doubt it. Berlin, with a population about the double that of Rome, has only 264 schools. Rome has also her university with an average attendance of 660 students ; and the Papal States with a population of two and one-half millions, contains seven universities. Prussia, with a population of fourteen millions has but seven. The statistical fact that Rome has above a hundred schools more than Berlin, for a population of little more than half of that of Berlin, puts to flight a world of humbug about the systems of national education carried on by governments and their moral effects on society.

Coming to a more recent date, we find in the official statistical books of Rome for 1869, the following data :—

| | Pupils, Free. | Pupils, Paying. |
|---|---|---|
| Male instruction..... | ..... | ..... |
| Scientific institutions. | 3,829 | ..... |
| Elementary schools.. | 6,341 | 1,567 |
| Female instruction..... | ..... | ..... |
| Convent and conservatories..... | 2,954 | 553 |
| Elementary schools... | 6,490 | 2,171 |
| | 19,614 | 4,291 |

Grand total, 23,905, for a population at the same date of 220,532. This showing forbids all adverse criticism, and with the exception of a few, these students were taught free.

To those who concern themselves about having the inner thoughts of the Roman catholics on the progressive education which is their aim I would say : listen to these words of the present Pope, Leo XIII. :

> How grand and full of majesty does man appear when he arrests the thunderbolt * * summons the electric flash * * how powerful when he takes possession of the force of steam * * Is there not in man when he does these things some spark of creative power ? * * The church views these things with joy.

The perfection of primary education is to be found in Catholic Luxembourg. The governor of that province said in 1872 :

> Luxembourg counts at the present time 507 elementary schools—that is to say, one school to every four hundred inhabitants, and such results have not been attained in any other country in Europe.
>
> The number of pupils in the elimentary schools exceeded fifteen per cent of the whole population. The year preceding the census proved that there were 31,580 children of an age to go to school, and the number of scholars actually attending the elementary schools was 31,239, so that only 341 children were missing, which produces one per cent, a result which has never been attained in any country in Europe, under any educational system.

In the *Dictionary of Statistics*, by Michael G. Mulhall, Fellow of the Royal Statistical Society, figures are given showing France at the head of the list for the average attendance of school children with 170 per 1,000 children, Belgium, 135 per 1,000, whilst the United States and England have only 130 and 123 respectively. Another table worthy of examination is to be found in the report of the United States Commissioner of Education. There the proportion of the enrolment of the children in school per 1,000 of population is given, and two Catholic countries, Bavaria and Baden, come at the head of the list with 212 enrolled children per 1,000 of population for the former country and 206 for the latter, while Prussia has only 196, England and Wales, 166 ; Scotland, 164. Two countries, one Protestant and the other Catholic, Denmark and Spain, may be bracketed, so small is the difference : Denmark being 110 and Spain 104.

As to the efficiency of the Catholic schools, it may be appreciated by the following facts:

> Out of 339 pupils who obtained prize exhibitions in Paris in 1878, 242 belonged to the Christian Brothers' schools. Between 1847 and 1877, out of 1,445 such exhibitions, 1,145 were carried off by the Christian Brothers' boys, the public school candidates being the larger number, and the public schools had received 40,000 francs for support. (The Church Review, Protestant Episcopalian, July, 1890.)

In the same period of thirty-one years, of the whole number, 620, consisting of the first twenty leading scholars of each year, the Catholic boys numbered 527—thirty-one victories in thirty-one years, without a break. Another test—the obtaining of the *certificats d'études*, granted to all deserving students—was kept up for nine years. The results for that period show that of 9,499 certificates, the Catholic boys were 613 in the majority ; and that the sum of the averages per school amounted to 194 for the Catholics, against only 55 for the public

school boys. In Belgium, the official gazette of that country, the *Moniteur*, gives the percentage obtained by the Catholic and public schools respectively at competitions for the years 1890, 1891, 1892, 1893. In 1890 the Catholic schools obtained 5·52 per cent; the public schools only 3·96. In 1891, the Catholic schools obtained 5·52; the public schools, 3·55. In 1892, the Catholic schools obtained 5·33; the public schools, 3·56. In 1893, the Catholic schools obtained 6·79; the public schools, 4·39.

The average marks for each competition was as follows:—

| | | | |
|---|---|---|---|
| 1890. | Public schools, | 132·1 | on 200. |
| " | Catholic " | 139·4 | " |
| 1891. | Public " | 142·1 | " |
| " | Catholic " | 142·6 | " |
| 1892. | Public " | 136·2 | " |
| " | Catholic " | 137·8 | " |
| 1893. | Public " | 146·0 | " |
| " | Catholic " | 150·4 | " |

The above figures and quotations must convince any fair minded man that there is no desire on the part of the Catholic church to keep the people in ignorance, and that the Catholic schools are turning out good scholars.

They answer fully the falsification of figures which are made purposely to arouse hostility against the Catholic schools. Such has been the case in the United States, where one Mr. Hawkins has impudently fabricated figures to suit his fancy and his animosity against parochial schools. Those Hawkins statistics, although refuted more than once, are made use of, are quoted and hurled at us from newspapers and public platforms by unscrupulous enemies, and they make their way through the people and succeed in deceiving friendly citizens who would otherwise be disposed to have the kindest regard for their fellow citizens and their feelings. And so are the accusations hurled at the Catholics of Manitoba at the present time. Those assertions are repeated, and in 25 or fifty years from now they will be re-edited by some parties, ignorant of the refutation, and again the public sentiment will be stirred up injudiciously, unfairly and unpatriotically. Let us hope, however, that day by day, the chances of those agitators will be lessened, and that a time may come when they will have no hold on the great majority of the people.

At six o'clock the Speaker left the chair.

## After Recess.

Hon Mr. BERNIER resumed his speech. He said: I have already stated the peculiar difficulties we had to contend with in our province on account of a large portion of the original population having Indian proclivities. The Protestant had not to contend with such difficulties to the same extent that we had. If it were true, as it has been said, that only 25 per cent of the half-breeds can read we should be credited with the fact that so many have received any education. Mr. Ewart, speaking in Winnipeg lately, said:

> I am surprised to hear that it is so great. Dr. Bryce has compared the French half-breeds to the wild mustang, and the English to the patient roadsters, and he is right. The mother tongue of many of those called French is Cree, and their habits until recent years have been those of roving hunters and voyageurs. Why then charge the illiteracy to the Catholic schools. Why not as well charge it to the Protestant schools? Of this 25 per cent, how many owe their education to others than Catholics? Credit the Catholics? I say, with 25 per cent. Do not debit them with 75 per cent. Be fair. Is it not absurd also (even were Catholics responsible) to ask the same results from wild mustangs as from patient roadsters? In the United States educational census, there is a separate column for civilized Indians, coloured people, &c. It is not the best column.

Let us consider that accusation in the light of the statistics. I have already shown that in the percentage of the enrolment of children to the school population, there was only six per cent difference between the Protestant and Catholic schools, and that we were ahead in the percentage of the attendance to the enrolment. Such being the case, it is an impossibility that we should be behind the other section. To controvert that evidence it is alleged that a petition presented to the Government was covered with names of parties unable to sign it for themselves. Even if that were the case it would not be fair to condemn the whole system on one particular fact, which may be the result of certain particular circumstances. It is a fact, for instance, that too many amongst our farmers, and especially amongst the half-breeds (and for that I do blame them) very often by a misapprehension of the importance of their act, for fear of boasting, do not sign themselves their own names, although able to do so, but ask somebody else to do it for them. This is wrong, but it cannot afford sure ground to judge the

illiteracy of the people. But in this particular case there is something more. The assertion has been met by the following challenge. Rev. M. Cherrier, speaking at Winnipeg about two months ago, said :

As I wish to give a flat denial to Dr. Bryce's assertion that 4 only out of the 140 French half-bred ratepayers referred could sign their names, here is my proposal to the learned doctor : let him produce the list, and I will volunteer to go with witnesses chosen by him to all the survivors under 50 years of age, of those named in the said list, and I agree to pay all expenses if I fail to bring back another list showing a fair percentage of names written in the signer's own writing, he to sustain the said expenses if I succeed in proving that many more than four out of 140 could sign their names.

This is the challenge, hon. gentlemen, and it has never been taken up or answered.

And if we judge of public schools by th following they have no right to throw stones at our windows. Inspector Lang—report of the Department of Education Manitoba, 1893, page 30, says :

In nearly every school in this division a test was made to discover how many of the pupils above second standard could use correctly the following words : done, did ; seen, said ; set, sit. It was found that about $\frac{9}{10}$ of the pupils "done" their exercises, "seen" the cows, "set" in their seats, and were in the habit of "laying" down.

In the same report, page 29, he says :

There is considerable time lost during each day in many of the schools owing to lack of system in arranging the day's work.

There was no inspection of the Catholic schools, it is said. This again is an inaccurate statement. We had a staff of inspectors who did their work regularly at a sacrifice to themselves. The Protestant section had appointed clergymen to inspect their schools. It can be ascertained by referring to the report on the Protestant schools in 1886, page 35. We thought that we might in the same way avail ourselves of the ability of our clergymen, and we appointed several of them as inspectors. But while the inspectors of the other section were well remunerated from the public funds, our inspectors did their work, for a nominal sum, which our board gave them as a mere recognition of their devotion to our educational interests. The instructions given to those inspectors were that their duties were not only to visit the schools twice a year, but also to help in the working of the educational laws, and to give explanations of the same to trustees and teachers, and they were supplied by our board with a series of 31 questions bearing on all the details of the school work, both as to teachers and pupils, of the school apparatus and furniture, and of the school house and the accommodation it afforded. Besides that, the trustees were urged by our board to comply with the School Act and visit the schools. Here is an extract of a circular that was addressed to them in 1884 :

School trustees are requested to conform to the clause of the Act which obliges them to visit the the schools from time to time ; it is desirable that they should forward to the superintendent a summary of their observations after each visit.

Moreover, by the School Act, clause 80, the resident priest was made a visitor of the schools in his mission, and I know that they did visit the schools and urge all they could the progress of the schools, and compliance with the law, and helped the cause of education by their advice to parents, teachers and pupils, and even to our Board of Education. And now, hon. gentlemen, to complete this information, I may add that the superintendent himself visited the schools. He had made it his duty to go all over the province, in order to show the ratepayers and the pupils the interest that was taken in the education of the youth, and thereby to encourage and properly direct the energy of the population to the cause of popular education. He did it also with the view of making himself personally acquainted with the population, with the trustees, with the teachers, with the locality, the school-house and everything belonging thereto, so as to be able the better to fulfil his own duties, to supply their wants, and to remedy the evils wherever they might exist. We do not contend that everything was perfect. We are human like others ; but—others also have their deficiencies. Protestant schools had their drawbacks. To show it, it is only necessary to refer to their own reports. I take the reports of the inspectors at random. I will quote from some of the inspectors :

My examination of the schools has been uniform. In several schools I found that in some standards the work of the lower standard had not been mastered, arithmetic is the study that many of the standards are backward in, but when schools will be longer in operation than six months in each year, this weakness will be removed.

Another inspector speaking of the school at Dunstan said :

The progress of this school has been somewhat hindered by lack of proper accommodation.

Another inspector speaking also of another school says :

The lower school is very backward and will require the best efforts of the teacher.

Speaking of another school the same inspector says :

It is very backward and will require great diligence to bring it to good standing.

So they had their drawbacks as we had ours. As to ours we were willing to lessen them as much as possible. But, hon. gentlemen, there is more to be said about this. It is well known that this was not the cause of the change of the law. Political advantages were sought ; that is all, and we were made the bone of contention. But, if, as they contend now, that was the cause of their action, why did they not avail themselves, before wiping out our schools, of the power given them, by the School Act, to improve them ? By clause 80, they were constituted visitors of the schools—Catholic as well as Protestant schools. There were thirty-two Protestant English members of the legislature (including the Cabinet ministers) who had the right to visit our schools, and pass their remarks, and write them down in a book, which was ever at their disposal for that purpose. The judges of the Court of Queen's Bench had, by law, the same privilege. Did they avail themselves of that privilege ? Not at all. Not one of those who are to-day arraigning our schools ever put a foot in them. They have never taken the proper means of acquainting themselves with the working of our schools. As our departed illustrious Mgr. Taché once said :

They know nothing but their own schools, and with self-commendation that characterizes men who know nothing but themselves and their immediate surroundings, pronounce the schools of others to be of no value.

As a matter of fact, I may add, they do not want to know. They prefer to resort to current prejudices and passions, sure to find followers ready to accept their unfounded assertions, without taking the trouble of looking into them. It is astonishing, as well as painful, to see how men, otherwise honest and intelligent, are sometimes easily led astray. For instance, there are many who base their objections to our schools on the testimony of one man, Mr. O'Donaghue, the gentleman sent up by the government of Manitoba as an accuser of our schools. That man appeared before the Privy Council in Ottawa ; every one there present had an opportunity of listening to him and of judging of his own ability. He does not speak or understand our language ; he is not even able to master his own language ; he is not in a position to judge of the efficiency of an English school. Every body would see that when he appeared before the Privy Council his remarks, if at all reliable, applied to 1883 and 1884, and not to more recent years. Yet the government of Manitoba is willing to let its policy rest upon that man. By some, not only one particular school, but the whole school system, the whole Catholic population of Manitoba, in so far as education is concerned, are placed at the mercy of such a gentleman. That is so much opposed to ordinary common sense, that many would regret their hostility, if they were only willing to think over the matter for five minutes.

It has been said also that our schools were open but a few months in the year, but a few days during the week. This again is contrary to the facts. We exacted 200 school days in the year while it was a rule amongst a great number of Protestant districts to have no school in winter. The reports of the superintendent and of the inspectors are evidences of that. That rule was complied with and those who did not comply were but a very few exceptions, and had very good reasons. It is very difficult to meet such general assertions : very often a mere denial is all the answer that can be made ; fortunately, however, it requires but a moment of reflection to discover the truth, We have the reports and it is from them that the high percentage of the average attendance, already referred to, is made up. If the schools had not been regularly opened, that percentage would not have been as high as indicated. This is a striking fact, which nobody having the slightest experience in such matters, can controvert. Our opponents have felt the weakness of their position in this regard, and to get over it they have impudently insinuated that our reports were falsified. Should I go to the trouble of denying such a dastardly charge ? Does it not strike you that if the charge was true it would have been exposed before this day ? They have been very careful not to particularize their accusations. Why not give names, dates and other particulars ? We never wanted to cover any misdoing. Many years ago some of our opponents tried that

kind of assault, but they were rebuked by the courts. Here let me quote the words of our distinguished solicitor, Mr. Ewart, a Protestant gentleman, as everybody must know:

> Another specific charge is that under the old system the Catholics cooked their returns * * * Upon the only occasion upon which it was made specific, it was proved to be untrue, and that in the most satisfactory way possible, namely, by the finding of the Court of Queen's Bench * * * It was made as to the city of Winnipeg. It was proved to be false. Since then it has * * * taken to the woods.

That was the result of the inquiry. In addition to that I may mention a fact which will appear to you almost incredible. Some years ago, right in Winnipeg, Archbishop Taché was entered on the roll as a Protestant ratepayer. If that had happened with respect to a man less known than Mgr. Taché it could have been excused as a blunder. But Archbishop Taché was so widely known as the head of the Catholic Church in that part of the country, that the fact of his being entered as a Protestant ratepayer is most suggestive as to what may have happened in that respect with regard to other Catholic ratepayers not occupying such a prominent position. We refrain, however, from calling that a fraud; we prefer to believe in the honesty of the perpetrators of such blunders than to recriminate and to injure the character of our neighbours. These considerations have no weight, however, with our enemies. For them, there is nothing but dishonesty amongst Catholics from top to bottom, and they publish it and proclaim that it is out of interest for us that they do so. What a loving people they are! Be our brothers, say they to us, or we will knock you down.

Another accusation is that the priests were teaching, and illegally and fraudulently receiving money for their services. To this accusation also I give a flat denial. No priest has fraudulently or illegally received public money for teaching. Unorganized school districts could not and did not get any public money, so the priest could not get any either. In every organized school district there was a board of trustees in whose charge and control was the school. These trustees had by law the right of engaging the services of teachers, whether priests or laymen, and the moment those trustees had engaged their teachers and kept their schools in operation, they had a legal right to their share of the taxes and public money. The fraud and the illegality would have been to refuse them that share of money. In all cases the money went to the school district, and not to the teachers, the latter being paid for their services by the school district, according to their engagement, and if in certain cases public money went direct to the teachers it was only on satisfactory evidence that the school district was owing them the amount. It was not a claim of the teachers as against the board, but a claim of the teachers as against the school district controlled by the trustees. That was the law, so that as a matter of fact the trustees were in this respect the controlling and responsible parties. The moment the latter were satisfied, the law had to take its effect. But now, hon. gentlemen, what are the facts about the priests teaching in schools? I am in a position to assert that within the ten years next preceding the year 1890, there had not been more than three or four priests who, occasionally, taught schools, and when they did, the circumstances were such that no other teachers could be got. They never received money as priests, although they may have received some as teachers from the trustees. And how long did they teach? Out of an aggregate, taken at the lowest figure, of 6,000 months of school teaching during these ten years, for the Catholic schools, the three or four priests, during the same period, were not employed for more, at the outside, than sixty months in the aggregate, that is, not more than one-hundreth of the time. Double that percentage, treble it, make it four times if you like, that would be only four-hundredths of the time. Is that sufficient to justify the storm that is now raging all over the Dominion, even if on some particular points certain deficiency might be found? Is it sufficient to deprive a whole section of the population of the rights it had on account of a few irregularities? If any irregularities did occur they were due rather to the force of circumstances than to any unwillingness or preconceived neglect of duty. I am sure, hon. gentlemen, that I do not in vain call your attention to the difficulties of a new province, with its sparse and far from well off-population. There is an immense area of vacant lands. Day by day it is filling up. As soon as the settlers begin to form a group at a certain point,

they look for educational facilities. But times are hard; the poor settlers have not yet recovered from the straightened circumstances in which they were when they came to our new land. Everything has to be done; there is no money to build a school; there is no money even to pay the teacher; what will they do? Just as other people do—the best they can. Under those circumstances the Catholic settlers go to their priest and request him to open a school at a sacrifice of time and money, in order not to let their youth grow up in ignorance. Will you blame them for that? I am sure you will not. But outside of Parliament we find parties always accusing the Catholic clergy of keeping the people in ignorance; the moment, however, a clergyman exerts himself to extend to his congregation the benefit of his own education and training, the moment he devotes himself to the work of imbuing the youth with a love of learning, religious and secular, the very same parties who accuse the church of keeping the people in ignorance, are down upon him and wish him to be excluded from the school-house. The three or four pri sts to whom I have referred did teach under the difficult circumstances that I have first mentioned. The localities were new, poor and remote; some times the board had no qualified teachers to offer them; the trustees and the people who had elected them, thought that the best and only thing they could do was to request their respective priests to open a school for their children; these responded cheerfully, they did good work; some times they were paid for it by their trustees not as priests, but as a teacher; some times they were not, this time because they were priests and ready as such to make sacrifices that a layman would not do, and I stand by them here, and would like to be able to do more for them than to express my gratitude for the services they have rendered to the cause of education. One of th se priests was Rev. Father Decorby, and you may judge of him by what my hon. friend from Shell River said in this House on the 23rd of April last:

> In my immediate neighbourhood there is a separate school, named after the clergyman, Father Decorby, who founded it. He conducted a separate school there for years to which the Protestant pop lation in its neighbourhood went. They were all satisfied with the school; they had no complaints to make of it.

Yes, some priests did teach, occasionally, and under the peculiar circumstances I have told. And why not? The priest is an educated man. A man who has had at least eighteen years of study; who was taught and has taught before being ordained; he is a friend to the people, he lives amongst them partaking their poor bill of fare, and helping them in all the circumstances of life. The first school in our territories formerly known as the lone land was opened by a priest. When, at the request of Lord Selkirk, the great Bishop Plessis of Quebec sent the first missionaries to the Red River, here are some of the instructions he gave them:

> 6. Missionaries will take a particular care of christian education among children. And for this they will establish schools and catechism in all the localities they may have occasion to visit. * *
>
> The missionaries will establish their home near Fort Douglas, on the Red River, will build there a church, a house, a school. * * * *
>
> 9. The missionaries will make known to the people the advantage they enjoy in remaining under the government of His British Majesty; will teach them by words and example the respect and fidelity they should have for the Sovereign; will accustom them to offer to God fervent prayers for the prosperity of His Most Gracious Majesty, of His August family, and His empire. * * *

Pursuant to these instructions, a school was opened in 1818 at St. Boniface, by Rev. Mr. Provencher, afterwards Bishop Provencher. It has never ceased to exist since, and in 1859, the Hon. Mr. Taylor, a United States consul, and in 1869, Sir Charles Tupper, visiting the schools that had sprung out from that first one, could not refrain from expressing to His Grace Archbishop Taché, their great surprise at the excellence of the education given in our Catholic institutions at such a remote period. On account of these beginnings, if not on any other account, is not the priest, who has opened and maintained the first schools in the North-west entitled to some consideration? I do not say that he should be allowed to break the law, but I do contend that when he comes to the rescue of the population, with a view of helping the latter to get over its difficulties, whether in matters of education or anything else, he should be praised instead of being vilified. On account of the care extended to our schools by the clergy, and of our wishes to have Catholic prayers and religious instructions in them, the idea that our schools are church schools, seems to have taken root in the minds of too many of our fellow-countrymen. This is altogether a misapprehension. Our schools were not, and neither

are our schools in the provinces of Ontario or Quebec, church schools. Our schools in Manitoba were purely common schools, and public state schools, under the control of the lay authorities to the same extent as the Protestant schools were. In the Protestant schools of Quebec, it was decided in 1890, that they would have half an hour of religious instruction, and the St. John *News* (Quebec), a staunch supporter of the dissentient schools in Quebec, said in July, 1890 :

> Friends of religious education will be glad to learn that the Protestant committee, at their last meeting at Quebec, decided that for the future the first half hour of every day's work in all the schools is to be invariably devoted to scriptural and religious training.

And this is a proper thing because, as the celebrated philosopher Bacon said : "Religion is the aroma which is necessary for the preservation of science ; without the aroma, science would soon decay and dissolve itself."

Now, hon. gentlemen, that was exactly the rule in our Manitoba Catholic schools. The religious instruction did not last more than half an hour, sometimes less. Why should we be condemned for doing in Manitoba what is so good for Quebec Protestants ? As to our relations towards the state, I can only repeat what I stated in this House last year :

> Neither the church nor the parents have ever refused to the state its legitimate interference. Everybody is in accord in wishing a large and intelligent diffusion of knowledge. Taking into consideration the circumstances surrounding modern communities, the church and the parents admit the assistance of the state in that noble work. They admit that the state has an interest in the education of the people. They admit that the state has a right to see that the assistance given is not misapplied, they admit that the state has a right to exact a full compensation in the form of knowledge, outside of religious instruction, for the money they hand over to the parents to help the latter in the fulfilment of the duties imposed upon them by nature and their religious convictions. As a matter of fact, they only retain practically now-a-days the right of guiding the morals of their children, and of teaching them how to worship their God upon this earth. Thus understood, there is no inconsistency in our theory, there is no clashing between the rights of the parents and the rights of the state. On the contrary, there is a fruitful and harmonious accord which has its continual and delightful echoes in the hearts of all good citizens and brings them together and contributes to the national unity.

Let us now speak about our school-houses and their accommodation, for this also a cause of impeachment against our school system. One is at a loss to understand why, supposing the school-houses were in an unfit condition, it should be necessary to remedy that state of things to overthrow the school system itself. It seems to me it is like a gentleman who would demolish his house because of a smoking chimney. However, that has been done, done unjustly, and without cause. In towns and cities we have, I venture to say, the finest buildings that can be found in the province for educational purposes. There are many hon. gentlemen here who have visited our country and who will not contradict me on this point. As to rural parts, our school buildings and accommodation were on a par at least with the accommodation offered to the Protestant children. Even in 1893 the Protestant schools had 64 log school-houses. I have myself travelled over the country, and I have come across school-houses, belonging to the Protestant section, which were isolated, filthy, ugly and unprovided with school appliances of any kind. To support my own testimony on this I will quote from reports of inspectors of the then Protestant schools. One inspector says in speaking of one school : "There are no maps, blackboard, or, in fact, apparatus of any kind." Speaking of another he says : "The furniture is very inferior." Elsewhere it is said : "The school is not very well supplied with apparatus." Another inspector speaks in the following way of one of the schools under his care : "It is a public hall used for all kinds of purposes, out of school hours, the result being that its condition, when so used, is altogether to unfit it for the work of a school." Another in-inspector expresses himself in this general way : "There are still a few cases in which the trustees expect the teachers to accomplish their work without giving them the necessary adjuncts in the way of good-sized blackboards, etc., in others the necessary maps have not been procured." Another says : "The progress of this school has been somewhat hindered by lack of proper accommodation." Speaking of another school the same inspector says : "This school has likewise suffered from poor accommodation." Another inspector speaks in this way : "In many cases the school-houses were not in as clean and tidy a condition as desirable. The teachers are largely to blame for this." Another says : "The school-house of this district is of inferior character." Another

again says: "The desks are utterly unsuitable for the purpose for which they are intended." Another speaks in his report of four districts where "log houses have been erected." I will stop making quotations, although I might add good many to the above. I cannot overlook, however, the fact that the census of 1891, as compiled in the statistical year-book of 1893 registers 619 log school-houses in Ontario, under the public school system. I repeat here that I am not referring to that for the pleasure of finding fault. Not at all. I do not find fault; my experience prevents me from doing so. I know that a good deal of forbearance has to be exercised in these matters, but am I not entitled to ask for the same forbearance on the part of the adherents to the so-called public school system when dealing with our Catholic schools, which are also public schools, and state schools? Among all our school-houses, I do not think there were more than four or five log houses. The others were all good frame buildings, well lighted, well closed, and provided with a complete set of maps, supplied to them through the care of the general board, and otherwise fit for the school work, although, however, devoid of any pretention to extravagance. General advice was given to our school districts not to run into debt. The consequence was that in 1890, at the time the change took place, the aggregate amount of debt incurred by the Catholic schools all over the province did not reach $6,000, while the Protestant schools had an aggregate financial obligation amounting to about half a million of dollars. Again, I say, I do not find fault with that. It was their right, and we had nothing to say about it. But we may well find fault, when we are called upon to suffer on that account. The necessary results of so large an expenditure was to lead them to heavy assessments and taxation, heavier than those of the Catholics who had been more moderate in their administration. And now comparisons are made between our light assessments and their heavy assessments; these heavy assessments are now brought before the public in big letters, and not only public sympathy is appealed to, but these heavy assessments are given without any explanations, as an instance of the alleged unfair working of the old system. An attempt is made to impress upon the minds of the public that because Catholics are assessed for less than the Protestants, there must have been in that old system something radically wrong and unjust, and that Protestants were paying their money to us, which is not the case. As a matter of fact, it is simply the result of a difference in the principles laid down in the administration of affairs, one section, the Catholic section, cautiously guarding themselves against indebtedness, the other, the Protestant section, running heavily into debt. And now, to use that as an argument against us, and to use that as a reason for wiping us out, is unjust in the extreme. We should not be called upon to suffer in any way on account of that; we should not be called upon to help others out of their difficulties; we should not be punished for any action or state of things with which we had nothing to do, and as to which we are under no responsibility at all. Here are other reasons why the Catholic taxation was not so heavy as that of the Protestants. The Catholic people were enjoying in school accommodation, scattered over the province, and otherwise, advantages to the amount of over $100,000, for which the Catholic ratepayers had not had, and will never have to assess themselves. From whom did that money come? It came from that clergy which is now branded as an enemy of education and of the people; it came principally from the illustrious and grand prelate whom God, in his mercy called away from this world last year, and whom I have seen sobbing and shedding tears at the idea that after his fifty years of labour for his people—for Canada, for England, in a land where the Catholic missionaries had been called by Lord Selkirk to ensure peace and morality in the colony, in a land where he had himself been called by the Canadian and Imperial authorities to restore good feelings and harmony at a critical period of the history of Manitoba, in a land where the Catholics have been the pioneers of christianity and of education—whose eyes, I say, I saw weeping, whose heart I felt throbbing in his bosom at the idea that all these labours, all these sacrifices, and the aim of his life would be frustrated, and that on the eve of taking his departure he had to leave his beloved flock trembling under the threats with which christian education was assailed. And now, hon. gentlemen, since I have introduced the name of our lamented Archbishop Taché, I may just as well use his own words to let you know another reason why our taxations

is less heavy than it would otherwise be. His Grace says :

I naturally admit that high price is one of the ways to secure the services of well qualified persons for teaching, and it seems to be the only resource at the command of our Protestant friends. Over and aside of this ordinary way of securing good teachers, the Catholics have an advantage that they highly appreciate, and which is not entirely despised by Protestants of standing and enlightenment. The advantage I allude to is the one secured by the valuable services of persons who do not teach for the sake of money or for making a living out of it, but who do teach as a sacred duty towards God and society, and who teach either for nothing or for the small amount barely giving them food and clothing.

This consideration goes a long way against taxation, and is another factor of the difference which exists between the two sections of our school system. Any person will admit that this does no harm to Protestants, while it does a great deal of good to Catholics. The raising of the salary of these teachers would undoubtedly increase the taxation among the Catholics, but would in no way diminish that of the Protestants, and the cause of education would gain nothing by it.

Ideas on this topic are so erroneous among some people that saving expenses to ratepayers with regard to teachers, means poor teaching. Some men seem to ignore completely that there were, there are and will be thousands and thousands of the very best qualified teachers who never received and will never receive one dollar from any government grant or any assessment levied on ratepayers.

I will examine else where some of the ideas suggested by what has just been above stated, but it is undeniable that as far as money is concerned, the teachers who ask less are a saving resource to the ratepayers, and to tabulate complete statistics, the saving thus effected ought to be taken into consideration ; and while raising a cry among the Protestants because of their assessment with regard to school, fairness would require to state all the reasons why it is so.

To these lines I will only add this : The low percentage of the salary of the teachers is accountable for the fact that a good many of our teachers belonged to religious orders, requiring very little to live, free from the social displays bearing sometimes so heavily on laymen, and teaching, not for the salaries they could earn, but in obedience to their vows. In St. Boniface, for instance, for the sum of $2,500 we secured the services of twelve qualified teachers, who supplied not only the tuition, but the building themselves, leaving to the trustees no other charge than that required for furniture and school apparatus. Considering that matter outside of any feeling or principle, but merely as a matter of business, everybody must admit that we cannot be blamed for availing ourselves of that advantage, which does not affect in any way the position of our friends of the other section. It is not necessary to insist any more upon the causes of the disproportion in the rate of taxation that existed as between Catholic and Protestant. That disproportion existed, to a certain extent, but it was not due to the school system itself ; it was due to causes originating in ourselves, from our Catholic organization, and it did not increase the rate of taxation amongst Protestants : in fact it did not affect it in one way or the other. There was no injustice consequently. This, however, was made one of the arguments for the promoting of the change of the law. And then, not only was the rate of taxation, but the distribution of the government grant also, advanced as a grievance against us. It was contended that we received more than our share of that money. The contention cannot stand for a moment. Figures have been adduced to sustain that assertion. Experts in figures and even muddlers of figures can arrange them so as to prove quite different propositions. But there is one thing which in this instance cannot be used to deceive any one ; it is the text of the law itself, which I will quote and which will show to the satisfaction of all that it was impossible that we should receive more than our equitable share. First as to taxation : the law provides that "in no case shall a Protestant ratepayer be obliged to pay for a Catholic school or a Catholic ratepayer for a Protestant school." It shows that no Protestant money could be levied for the support of Catholics, and if any was the Protestant ratepayer had the means of protecting himself. It is, clear, therefore, that when it was asserted that the money of the Protestant section of the community was taken to build up our schools or our religious denomination, it is obviously groundless, in so far at least as taxation was concerned. As a matter of fact, I do not remember one single case in which the Protestants did make any complaints in this matter. Let us see now as to public money, the money voted by the legislature. That distribution of money was based upon the census of the school population taken yearly in the month of November.

Under the law neither the Protestant section nor the Catholic section had anything to do with the apportionment of the money. We had only to hand over the census returns, and it became the duty and the

privilege of the government only to apportion the money. The majority of the government was Protestant. Is it to be believed that they were handing over to us an unfair proportion or one cent more than we were entitled to. During all the time I have been connected with education matters in Manitoba the Catholics never questioned the apportionment. I never heard that the Protestant section did. We were then getting along so harmoniously that it did not occur to our minds, on either side, that any injustice in that respect would be done to either section. Comparisons have been indulged in by some parties to show that we received more money than our share. But these comparisons are misleading. For instance, the number of schools have been taken as a basis, and it has been contended that our schools received more, each, than the Protestant schools. Without going much into figures I will show in a very brief way that this is entirely misleading. First, the law does not say that the division shall be made according to the number of schools, but according to the school population, and very properly to, because it is quite possible to understand that if the money was to be apportioned according to the number of schools, the result would be a tendency to unduly increase the number of schools ; in some cases, it might go far beyond the requirements of population. This being the law, it follows that the only fair basis for comparison is the school population. At any rate, it was the law. Any other is beyond the pale of propriety. Secondly, the expenses of the Protestant section were much larger that the expenses of the Catholic section, as the following table will show :

| | Protestant section. | Catholic section. |
|---|---|---|
| 1884..... | $11,831 00 | $2,720 68 |
| 1885..... | 12,816 00 | 2,064 64 |
| 1886..... | 13,523 00 | 1,804 55 |
| 1887..... | 16,992 00 | 2,724 10 |
| Total..... | $55,162 00 | $9,309 97 |

The larger the expenses are, the less there is to go to the schools ; and less expense leaves more for the schools. This contingency again shows that the number of schools cannot be a proper basis for comparison.

Thirdly : Our Catholic population is not so scattered generally as the non-Catholic population ; the consequence is that for a given area, we need fewer schools, although having more children. A group of 15 children would require a school, but if within the same territory there are 40 children, it would require no greater school accommodation. If you apply that to the whole province you will find that for the same school population, there will be less schools for the section whose members are more grouped, and a greater number for the section whose members are more scattered. Such was the position of respective sections in our province.

And such being the case, it is improper to submit figures to show that our schools, each individually, received more than the Protestant schools. It is not the number of schools that are to be benefitted, but the number of children. That was the law and the law was based on a sound principle. In matters of taxation, all who pay should share equally. In a country, every soul is supposed to contribute its share to the public treasury and to receive an equal share in some form or other of the advantages offered by the state to its population. In matters of education the subsidies should be paid, as they were in our province, according to the school population, and not according to the number of schools, the absence or the existence of these being subject to too many contingencies to afford a sure and equitable ground of distribution. Rev. Dr. Bryce, who is to-day, and has been from the beginning, one of our strongest opponents, wrote in 1877 :

> The government grant is voted for one system of school, and is divided according to the population of children. No special rights are given to either Catholics or Protestants. All moneys are equitably distributed.

What could be asked more than equity in distribution? To-day there is no equitable distribution ; it goes all to one party.

Before leaving this money subject, I must refer to an imputation which was put in circulation with the view of casting doubts on the honour of our board as to the management of the school money. As stated briefly in the former part of these remarks, we had, in 1889, a reserve fund of nearly $14,000 which had accumulated year after year. That was a surplus we had to our credit. But strange as it may appear, there are parties who can never be satisfied. They do not like deficits, and they equally find fault when there is a surplus. We had a surplus, and we have been severely taken to task for it. We have been even accused of misap-

propriation of funds. The facts are as follows, as put before the public once by Archbishop Taché :

The 90th clause of the school law say :

" Each section of the board may reserve for unforseen contingencies a sum not exceeding ten per cent of its share of the appropriation." Such is the law, it may seem very foolish to some as it seemed tolerably wise to others ; at all events the Catholic section being empowered by the law, took that course and reserved for unforseen contingencies a sum a little less than ten per cent of its share of the different appropriations. But why have they done so? The answer is this : from the beginning of the province it was found, and the experience is not altogether altered at this date, that the teachers of our schools, besides the insufficiency of their salaries, had often to serve a full term of five months before receiving anything on account of their salary, and after the terms were over, sometimes they had to wait two months and more before their well earned wages were paid, this seemed a great inconvenience which could only be remedied, and in fact was remedied, in having a reserve fund. The moment an account became due and approved by the section of the board, the superintendent paid it out of the reserve fund, and when the government thought it convenient to give an instalment of the voted money, it was deposited in the bank to fill up again or increase the reserve fund, and so forth from term to term and from instalment to instalment. By acting that way, the section of the board avoided what is always unpleasant, to apply repeatedly to the government officers and many times to be delayed by them.

They avoided also which is of more grave consequence, the painful obligation of delaying the payment of the money due to the teachers and others who had served the cause of education. If this is a fault I accept the responsibility, as chairman of the Catholic section of the board of education ; but I cannot abstain from stating, that a government, which would find such a condition of affairs in all the state departments when it is explicitly authorized by the law should easily acquiesce in the results it has brought about. This is called " misappropriation " by certain parties and the remittance of this reserve fund is also, with bad taste, called " disgorging," but I trust that the fair play and the good sense of the public will give the action of the Catholic section of the board in this matter, its true appellation and will view it in its proper light.

So all this transaction was according to an express law ; there was no misappropriation ; there was no secrecy about it. It was known to the public, to the legislature and the government, through our yearly reports ; it was known especially to the latter on account of one of their members having a seat on our board. The same thing had occurred in the Protestant section of the board, which, for a number of years had also unexpended balances ranging from $4,000 to nearly $10,000 constituting, as much as our unexpended balance, a reserve fund. No blame has been cast on the Protestant section of the board for holding it ; and very properly holding it, in my opinion. But why should the Catholics be blamed for the same act? Some may think that it would have been more advisable to spend the whole subsidy yearly and leave no balance. I think his grace Archbishop Taché gave good reasons for the course that was taken then, and to those reasons, I may add another one which some of the members had in their minds. It was expected that by this yearly increase of that reserve fund, a time would come when, with the interest thereon, we would be in a position to maintain, without any extra cost to the province, and without curtailing the allowance to the schools, a normal school for male teachers. We were providing for the future. However, I am quite prepared to recognize that an honest divergence of opinion may exist with regard to this matter. But even if it was unadvisable, there was no necessity to wipe out the whole Catholic school system to enforce another course. Mere representations would have been sufficient. I have stated to you the facts as to the part played by our section of the board in this matter. Let me now put before you the action of the local government with regard to the same matter. On the 12th July, 1889, Mr. Prendergast, then Provincial Secretary, wrote, on behalf of the government of which he was a member, to the Catholic Superintendent of Education, a letter, supported on no legal ground, by which a remittance of our reserve fund to the government was asked for. In that letter, however, he said, speaking on behalf of the government :

This demand refers only to a detail of internal administration, and in no way to the ownership of the amount in question ; such amount is decidedly a vested right and will not admit of a doubt at any time.

This is a clear and positive acknowledgment on the part of the government that the Catholics could not be dispossessed of that amount, and a promise that they would not be dispossessed. On its receipt that communication was taken into consideration by the board, and, although there was no law upon which the government could at that time exact the remittance of that money, it was decided for the sake of conciliation to comply with the demand. So, on the 22nd day of July, ten days only after

the requisition had been made, the money was handed over to the government, with a resolution stating the rights and the views of the board. In spite of the promise of the government we have since been deprived of that money. I beg leave to put before the Senate a document which is an official statement of the transaction. It is a copy of the report of a committee of the Catholic section of the Board of Education to take into consideration the question of the reserve fund :

Since the year 1873, and until amended by chapter XXXI., 51 Vic. (1888) the School Acts of this province authorized each section of the Board of Education to reserve for contingencies a sum not exceeding ten per cent of the annual grants.

Clause 90 read as follows :

"* * * Each section of the board may reserve for unforeseen contingencies a sum not exceeding ten per cent of its share of the appropriation."

By virtue of that clause the Catholic section of the Board of Education had yearly, until 1888, put aside certain sums of money, which amounted (including the interest), in July, 1889, to $13,879.47, as follows :—

| | |
|---|---|
| Capital ..... | $11,756 57 |
| Interest ..... | 2,122 90 |
| Total ..... | $13,879 47 |

By chapter XXXI, 51 Vict. the law was changed, and the annual school appropriation, which used to be paid over to each section of the Board of Education, was ordered to be placed "to the credit of said respective boards in accounts to be opened in the books of the treasury department, and in the audit office." This enactment was for future action. But no provision was ever made affecting moneys previously paid to the board, and still in their hands. Consequently, the Catholic section of the Board of Education continued to retain and administer their accumulated reserve fund until July, 1889, when the government demanded that all moneys still in the hands of the board be paid over to the Provincial Treasury Department.

In making this demand the hon. Provincial Secretary stated, that the ownership of said money was entirely vested in our section of the Board of Education, and could not at any future time be questioned.

Although the Catholic section of the Board of Education were then of opinion, as they are now, that this demand had no ground in law, still they complied with the desire of the government and the above sum of $13,879.47 was paid over to the provincial treasurer, the board, however, reserving the rights of the Catholic schools of this province to such money, as may be seen by the resolution which was transmitted to the government with the cheque, and which is as follows :

"In compliance with the desire of the government as expressed in the letter of the hon. Provincial Secretary, dated 12th July, 1889, the Catholic section of the Board of Education gives authority to the superintendent to hand over to the Provincial Treasurer the sum of $13,879.47 being the whole of the reserve fund and the balance of all school moneys in their hands.

"In making this remittance, the Catholic section of the Board of Education beg leave to represent :

"1. This reserve fund has originated and accrued by virtue of the provisions of the various school Acts then in force in this province.

"2. Only self sacrifice on the part of the members of this section of the Board of Education and their adherence to the strictest economy in the administration of school moneys have rendered possible the creation of such a reserve fund.

"The ownership of that fund is a vested right in the Catholic schools of this province ; therefore, those who have had to administer the same up to the present time are convinced that the government will not change the destination of said money and will not either decrease the ordinary grants, such being the assurance given us by the government in the above mentioned letter of the hon. Provincial Secretary."

The above resolution was transmitted to the government, with the cheque on the 22nd July, 1889. The receipt of such resolution and cheque was duly acknowledged by the government. Since then the Catholic section of the Board of Education has received no intimation that the amount of said reserve fund was no more at their disposition. Up to the present time, no legislation has deprived this board of their actual right to distribute said amount to the Catholic schools. Accordingly it has been resolved by said board that said amount shall now be distributed and paid over to all the Catholic schools of this province, according to the requirements of subsection (c) of sec. 90, of the School Act, as amended by sec. 7 of chap. xxxi., 51 Vic. the allotment between all schools being as follows :

Then followed a list of apportionments The whole was duly transmitted to the government before the coming into force of the said Acts. The answer is yet to come. We know, however, that the amount has gone to the consolidated fund of the province. The funds, which had been acknowledged by the government to be ours, have been taken possession of by the same government, and used for other purposes than those for which they had been voted. If anybody is to be accused of misappropriation of funds in connection with this transaction, the Catholic section is not that party. We have been dispossessed of an amount of money to which our schools had a vested right ; the lawful requisition made by our board for the payment of that money to our schools was not acted upon by the government ; the money has gone to the consolidated funds, that is, has been used for other purposes than for what it had been voted that is spoilation, that spoliation was perpetrated by force, there being at the time no law in existence giving even a shadow of right to the government to lay their hands upon it. In con-

nection with this I must refer to an incident which took place last week in the Local Legislature of Manitoba. In the debate on the remedial order, the hon. Mr. Cameron, the provincial secretary, is reported as having said that our section of the Board of Education handed over that money to the government without any protest. I am at a loss to understand how a man holding the responsible position of an adviser of the Crown, speaking from his seat in the legislature, could deliberately mislead public opinion to that extent. The Government of Manitoba acknowledged in the letter conveying their demand to us, that we had a vested right in that sum, there was, it seems to me no necessity for a protest. But, as a matter of fact, we did protest, the resolution and official documents which I have placed here before the Senate cannot be questioned. And what are they, if not courteous, but at the same time strong protests? And if in the presence of these facts and of such action on our part, the Government of Manitoba, being in possession of the documents to which I have just referred, have the audacity to impose upon the public as in this instance, then what reliance, I ask, can be put upon their declarations or accusations? I may safely say that those people are going beyond what decency permits when they accuse the Catholics of having used Protestant money for the of support their schools. The very opposite has been the rule since 1889. I hasten to add that I know personally a great many of our Protestant fellow-countrymen who are exceedingly sorry on that account. In Winnipeg some of them said that they were ashamed of being placed in the position of using the money of the Catholic ratepayers to educate their children. They look for a change. They look for a remedy that will relieve them from that uncomfortable position. I hope the remedy will not be long delayed. I hope also that this effort of mine will help to dispel many misapprehensions, and clear the way to such a mutual understanding as will restore harmony in the province.

I have gone I think over all the grounds of accusation against our schools. I might have said much more in their justification. I am sure, however, that I have furnished a sufficient justification to all fair-minded men to enable them to shake off any prejudices they might have had with regard to such schools. I have gone, to a limited extent, beyond the course that Catholics generally take with respect to other schools. As I have already said, we do not as a rule concern ourselves about the schools of non-Catholic people. We are willing and satisfied to let them have the schools they like under their own control. We have lately been assailed, however, with such violence, with such a disregard for our feelings and in such a slanderous way that we were bound to take up the gauntlet and show how easy it would be to retaliate, in case it would be necessary to adopt such a course. But I protest here that my intention has not been to make any reflection on men, on institutions, on schools or on any school system whatever, not being in accord with my own views. I have experience enough in this matter to know what difficulties of every sort are to be met with every day in the management of schools and in the improvements wished for. But, hon. gentlemen, why should we not have the benefit of the forbearance we are ready to exercise towards others? There may be some differences of view as to the methods of teaching; there may be some divergence of opinion as to the relative importance of the various subjects to be taught. But, because of these differences, because some people may think that one subject should be more largely taught than others, it is no reason why one system should be considered as inferior to another; it is no reason for saying that the instruction given in one school is not the equivalent of that given in another school. Let us illustrate these propositions by taking the history of men of different intellectual attainments. Take Shakespeare and Newton. The intellectual attainments of these two men were as widely different as can be imagined. But who will undertake to say that one was superior to the other? Each one was a superior mind, had accomplished training in his way, and the surest judgment to be pronounced with regard to them is to proclaim that both were men of genius, of whom the whole human kind has reason to be proud. In the same way we should mutually have regard for our neighbours. Why not be generous on both sides, and since we cannot agree in matters pertaining to religious and educational matters, why not agree to disagree and direct our energies to the material and national development of the immense resources of our country in a spirit of liberty and common loyalty to the flag that protects us? In that way we would hear no more, on either side, of these vexed

questions. When, hon. gentlemen, the brave soldiers of England went to the front at Waterloo or at Balaklava, the English people did not ask those gallant warriors whether they knew how to write or read. Neither was that question put to the Canadian militia when they saved Canada to England. In all these cases the British crown and the British people did not hesitate to acknowledge the services of the troops, and that they had well merited the gratitude of the Empire. Should unfortunately, such occasions as those occur again, the same fidelity and the same gallantry would be found amongst the children of the Canadian nation, whether they would have been taught by a first class or a third class certificated teacher, whether by a nun or by a layman, and in view of that, the war that is raging against the Catholics, their conscience, their views, their children and their liberty of conscience, should be stopped. These last words may seem rather strong to some, but they did not seem too strong to Sir A. T. Galt when the education of the Protestants of Quebec was at stake. Here are his words :

It must be clear that a measure would not be favourably entertained by the minority in Lower Canada which would place the education of the children and the provision for their schools wholly in the hands of a majority of a different faith. It was clear that in confiding the general subject of education to the local legislature it was absolutely necessary that it should be accompanied by such restrictions as would prevent injustice in any respect from being done. Now, this applied to Lower Canada, but it also applied, and with equal force. to Upper Canada and the other provinces, for in Lower Canada there was a Protestant minority, and in the other provinces a Roman Catholic minority. The same privileges belong to the one of right here as belonged to the other of right elsewhere. There could be no greater injustice to a population than to compel them to have their children educated in a manner contrary to their own religious belief.

This is put in the most stringent form, the reverse of the assumption that the state can do what it likes with persons and estates, particularly when it comes to education. This latter doctrine is false in itself, full of dangers for the commonwealth, and repudiated by political economy and by statesmen.

John Stuart Mill who was an advanced Liberal said in his *Essay* on *Liberty :*

That the whole or any large part of the education of the people should be in state-hands, I go as far as any one in deprecating. All that has been said of the importance of individuality of character and diversity in opinions and modes of conduct involves, as of the same unspeakable importance, diversity of education. A general state education is a mere contrivance for moulding people to be exactly like one another, and as the mould in which it casts them is that which pleases the predominant power in government * * or the majority of the existing generation * * it establishes a despotism over the mind, leading by natural tendency to one over the body.

Further on he adds :

One thing must be strenuously insisted on : that the government must claim no monopoly for its education, either in lower or in the higher branches, must exert neither authority nor influence to induce the people to resort to its teachers in preference to others, and must confer no peculiar advantages on those who have been instructed by them.

It is not endurable that a government should, either in law or in fact, have a complete control over the education of the people.

Gladstone said on the 24th June, 1870 :

As regards the existing denominational schools, it is a very grave and important question which we have to ask ourselves—whether we are frankly, ungrudgingly, willingly and systematically to make use of that powerful agency for the purpose of good secular instruction, which is placed at our command in a great degree, if not exclusively, through the vigorous actions of religious zeal and love ? Let us not disguise from ourselves that this is a question of the greatest moment. The answer to it, I own, appears to me to be perfectly clear. The answer is, that nothing but folly could induce us to refuse to avail ourselves of an opportunity so valuable.

This is the opinion of the former great leader of the Liberal party in England. Let us see now the opinion of the leader of the Conservative party, Lord Salisbury.

Speaking at Preston, some time in the fall of 1893, Lord Salisbury said :

Numbers of persons have invented what I may call a patent compressible religion, which can be forced into all consciences with a very little squeezing ; and they wish to insist that this should be the only religion taught throughout the schools of the nation. What I want to impress upon you is that if you admit this conception, you are entering upon a religious war of which you will not see the end. There is only one sound principle in religious education to which you should cling, which you should relentlessly enforce against all the conveniences and experiences of official men ; and that is that a parent, unless he has forfeited the right by criminal acts, has the inalienable right to determine the teaching which the child shall receive upon the holiest and most momentous of subjects. That is a right which no expediency can negative, which no state necessity ought to allow you to sweep away ; and therefore I ask you to give your attention to this question of denominational education. It is full of danger and of difficulty ; but you will only meet the danger by marching straight up to it, and declaring that the prerogative of the parent, unless he be convicted of criminality, must not be taken away by the state.

Such is the way in which Lord Salisbury vindicates the rights of parents, the influence of religious truth in education, and defines the rights of the state. I find in the *Owl*, February, 1895, on page 292, the following :

Mr. Gladstone says : In my opinion which I have endeavoured to recently set forth in the pages of the *Nineteenth Century*, an undenominational system of religion, framed by or under the authority of the state is a moral monster. The state has no charter from heaven such as may belong to the church or the individual conscience.

An independent paper, and also a pillar of Protestantism in Quebec, the St. Johns *News*, says : .

With regard to the separate schools we have little reliable information ; they may be mismanaged, or they may not ; they may be doing efficient work or not ; but it strikes us that granting all that is said against the schools of the minority in Manitoba, some less drastic remedy than their total abolition might be applied. We have the separate school system in our own province, and it is only just to say that it has worked, on the whole, equitably, and to the satisfaction of both the great divisions of christendom, yet if such a system depended merely on the will of the majority of the hour, and not on that higher principle faintly expressed in the words of the governor-general to which so much exception has been taken in certain quarters, "Live and let live," what security would the Protestant minority of Quebec have that their schools would not be done away with, and the whole system of education be made a state affair ? The equal-rights agitators clamour for a separation of state and church in this province, but in Manitoba they are working for a union of state and education which is still more objectionable.

But apart from all selfish considerations, the question of separate schools rests on a firmer basis, that of justice. It is not right that the minority should be compelled to send their children to schools controlled by the majority, or let them go without education altogether in many cases. It is not right that the state should intervene and say, there shall be no dissentient schools. In fact, so far as the great majority of dissentient schools in this province are concerned, we may say that they would infinitely prefer to do without the state's subvention if the state, on its part, would relinquish all pretensions of control. Of course there are some institutions that get the lion's share, but the subsidies extended to the rest are merely nominal—$20 to $30 a year to an elementary, $25 to $50 to a model school ; in return for which the state issues it diplomas to teachers (who have to pay for them) fixes the standard of work, examines the scholars, and mulcts the teachers so much a year willing or unwilling, for a pension fund. In our opinion, the state gets more than it pays for.

In conclusion, I want to reiterate my statement that the question of efficiency or inefficiency of the Catholic schools does not and cannot come in here. In 1890, the local government could have made an investigation. They did not do so. They went on destroying the system that had been in existence for twenty years. To-day it is too late. That suggestion is evidently a side issue to prolong this irritating contest and to avoid their submission to the highest authority in the land. This federal government cannot accept that suggestion. The action of the local government has forced the subject upon us. They have created the situations described by the lamented D'Arcy McGee in the following words pronounced in London (Ontario) in 1866, and they will have to receive the treatment indicated also in those lines. D'Arcy McGee then said :

The minorities east and west have really nothing to fear beyond what already existed, local irritations produced by ill-disposed individuals. The strong arm and the long arm of the confederate power will be extended over them all, and woe be to the wretch on whom that arm shall have to descend in anger for any violation of the federal compact.

True it is to be regretted most sincerely that such things have happened, but since the difficulties are thrown in our way, since there are wretched people who set the federal and Imperial authorities at defiance, in violation of the rights conferred on an important section of the country, let the arm, the long arm of the confederate power descend upon the guilty parties, so that it may be said that in the Dominion of Canada justice is never refused to those whose grievances have been so strongly, so clearly, and so authoritatively pointed out and determined as those of the Catholics of Manitoba have been by the final judgment of the Privy Council in London, and by the remedial order of His Excellency the Governor General in Council of Canada.

Hon. Mr. ANGERS—There is no objection to the granting of the address moved for by the hon. gentleman. I do not know that the papers he speaks of are really on record here. I do not think any such representations as the efficiency of the schools prior to 1890 have ever been filed by the Manitoba Government with the Dominion Government ; but if there are any such documents they will be brought down as soon as possible. In acquiescing in the hon. gentleman's motion, I think it is also my duty on behalf of the House to thank him for the valuable information he has laid before us and before the public. I

must thank him also for the very great skill, tact and moderation he has shown in the discussion of a question which is to him—and I may say to every Roman Catholic in Canada—a burning one. I hope that in the reading of this valuable speech great light may be thrown on the matter in the minds of many of our people. Now, I may say that there are a number—although I am convinced that that is a small number—of people who to-day need light upon a question which has been so thoroughly discussed and so thoroughly settled by the judgment of the Privy Council in England.

The motion was agreed to.

## THIRD READING.

Bill (74) "An Act further to amend the Act to encourage the development of the sea fisheries and the building of fishing vessels."—(Mr. Angers).

## FISHERIES ACT AMENDMENT BILL.

SECOND READING POSTPONED.

Hon. Mr. ANGERS—If it is the pleasure of the House, I would move that the second reading of this bill be allowed without any discussion at present, and on the motion to go into committee of the whole to-morrow, a discussion could take place, and we would be advanced one day.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. POWER—I regret to say that I cannot look upon the matter just in the same way as the hon. gentleman from Ottawa. We have had some experience in this particular respect.

Hon. Mr. ANGERS—Then I withdraw my application, since the hon. leader of the Opposition cannot control his supporter, and move for the second reading to-morrow.

The motion was agreed to.

## INCORPORATION OF BOARDS OF TRADE BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a committee of the whole on Bill (L) "An Act to further amend the Act respecting the incorporation of Boards of Trade."

Hon. Mr. VIDAL, from the committee, reported the bill without amendment.

## BILLS INTRODUCED.

Bill (90) "An Act respecting the Oshawa Railway Company."—(Mr. Dobson.)

Bill (81) "An Act to incorporate the Ontario Accident Insurance Company."—(Mr. Lougheed.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 26th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (77) "An Act to amend the Act to incorporate the St. Clair and Erie Ship Canal Company."—(Mr. Vidal).

Bill (62) "An Act respecting the Buffalo and Fort Erie Bridge Company."—(Mr. Ferguson, Welland).

Bill (101) "An Act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada."—(Mr. Allan).

Bill (39) "An Act to amend the Hamilton Provident and Loan Society Act of 1885."—(Mr. MacInnes, Burlington).

Bill (L) "An Act to further amend the Act respecting the incorporation of Boards of Trade.—(Sir Mackenzie Bowell).

## HAMILTON AND LAKE ERIE POWER COMPANY'S BILL.

THIRD READING.

Hon. Mr. VIDAL, from the Committee on Railways, Telegraphs and Harbours, reported Bill (85) "An Act to incorporate the Hamilton and Lake Erie Power Company" with amendments.

Hon. Mr. MACINNES (Burlington) moved that the forty-first rule of the House be suspended so far as it relates to this bill.

Hon. Mr. POWER—The hon. gentleman had better move concurrence in the amendments.

Hon. Mr. MACINNES—There are no amendments.

Hon. Mr. SCOTT—The only change in the bill is the transposition of some words.

Hon. Mr. ALLAN—It was understood in the committee that the changes were merely verbal and that they were not really amendments.

Hon. Mr. ANGERS—When we make the slightest change in a bill coming from the House of Commons we should send it back to the House of Commons for their concurrence.

Hon. Mr. SCOTT—But there was no change in this bill whatever.

Hon. Mr. POWER—The hon. gentleman is mistaken. The chairman stated that the law clerk had recommended that a transposition of certain words should take place and that change was made. It is a substantial amendment, though it does not very much affect the meaning of the bill.

Hon. Mr. MILLER—Then the question will arise, where shall we stop when we make amendments at all? I perfectly agree with the hon. minister that the bill should be returned to the House of Commons.

Hon. Mr. VIDAL—The amendments certainly do not change the character of the bill.

Hon. Mr. SCOTT—The bill was copied out of the statutes of last year and it is absurd to say that the mere transposition of a few words which does not change the sense in the slightest should be considered an amendment.

Hon. Mr. MILLER—The amendment may be a very slight change, apparently merely verbal, and yet it may completely alter the sense of the whole clause. When you attempt even to change the phraseology of a bill sent from the other House, it is an amendment which requires the concurrence of that House.

Hon. Mr. MACINNES—It does not alter the sense of the clause in the slightest degree.

Hon. Mr. BELLEROSE—There is a general principle laid down by every authority that we have in our library, that when amendments are made the bill must go back to the other House. A change, whether verbal or not, is an amendment and is so called by the authorities. I should think the bill ought to go back to the other House. A comma added to a sentence may appear very trifling, and yet it may change the whole sense of the clause. I think these changes should always be regarded as amendments.

Hon. Mr. MACINNES (Burlington) moved that the amendments be concurred in.

The motion was agreed to, and the bill was read the third time and passed as amended.

## THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (125) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the fiscal year ending 30th June, 1895, and for other purposes relating to the public service."

The bill was read the first time.

Hon. Sir MACKENZIE BOWELL moved the suspension of the 41st rule of the House so far as it relates to this bill.

The motion was agreed to and the bill passed through all its stages.

## THE MANITOBA SCHOOL QUESTION.

INQUIRY DROPPED.

The motion having been called

That he will ask if it is the intention of the government to appoint a royal commission to inquire into the nature of the arrangement entered into between the Dominion government and the delegates invited to confer with the government, prior to the passing of the Manitoba Act, in 1890? On whose behalf the delegates were acting? And from what source they derived their authority?

Hon. Mr. BOULTON—Before withdrawing this motion, I should like to say that circumstances have arisen since I gave this notice which I think render it unnecessary for me to put the question at the present

time. I therefore ask permission to withdraw it.

The notice was dropped.

## NOVA SCOTIA STEEL COMPANY BILL.

MOTION.

Hon. Mr. POWER moved,—

That an order of the Senate be made, authorizing the clerk of the Senate to return to the solicitors for the Nova Scotia Steel Company (Limited) the original deed of sale, dated 31st December, 1894, made between the said company and the Nova Scotia Steel and Forge Company, Limited, and filed of record before the Committee on Banking and Commerce, for the purpose of being printed as an addition by way of schedule to the Bill (No. 56) from the House of Commons intituled: "An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited."

He said:—The members of the Committee on Banking and Commerce will remember that when the bill to amend the Act of the Nova Scotia Steel Company, Limited, was before the committee, the gentleman who represented the promoters of the bill produced to the committee the original agreement between the Nova Scotia Steel Company, Limited, and the Steel and Forge Company, and the original agreement was handed in to the committee annexed to the bill in order that it might be printed as a schedule to the bill. It has been so printed and the committee and parliament do not require the original agreement any further, and the company do require it.

Hon. Mr. MILLER—I do not rise to oppose the motion, but I do not think it necessary, although I do not find any fault with the course which the clerk has taken in this matter. It was clearly understood by the committee that this original paper should be handed back to the owners of it after the proceedings were through, and I should think it would be quite enough for the chairman to have asked the clerk to hand it back. The clerk was cognizant, of course, of the feeling of the committee, that the paper should be returned to the parties interested.

Hon. Mr. POWER—I may inform the House that I had nothing to do with the motion. It was drawn up by the law clerk, who thought it was necessary, and he handed it to me as I had been in charge of the bill.

The motion was agreed to.

## CANADIAN SICK BENEFIT SOCIETY'S BILL.

THIRD READING.

The order of the day having been called,

Third reading Bill (31) "An Act to incorporate the Canadian Sick Benefit Society."

Hon. Mr. LOUGHEED moved that subsection (*c*) of rule 49 of the Senate be suspended in so far as the same relates to the said bill.

He said:—I think I explained yesterday the reason why the publication of notice did not appear in other provinces of the Dominion. The omission was due to a circular issued by the clerk of the Commons regarding the procedure in private bills.

The motion was agreed to.

Hon. Mr. LOUGHEED moved the third reading of the bill.

The motion was agreed to and the bill was read the third time and passed.

## INSURANCE ACT AMENDMENT BILL.

Hon. Mr. ANGERS moved the second reading of Bill (92) "An Act further to amend the Insurance Act." He said:—I shall briefly state to the House the object of this bill. Last year we made some amendments to the Insurance Act providing that companies doing business in Canada should be required to furnish a statement of their Canadian business and their general business. It is pointed out that there are foreign companies who are not required by their own government to give any statement at all, and consequently it is found necessary to amend our law so as to provide that they shall furnish us with a statement, even when they are not bound to give one to their own government and that it shall consist of the statement they make to their shareholders at their annual meeting showing their business and their Canadian business, and should a company be found that made no such general statement to the shareholders, it shall have to make and prepare for us a synopsis, or a brief statement, so that we may be in a position to realize their financial position. The last seven or eight lines of clause 20 are added to the law for that purpose; the other amendment is to alter the dates at which statements can be produced

by the companies. It is made with a view of meeting the requirements of the different companies. It is provided further that any such statement of general business should not be deposited later than the 30th June next, following. There must be a limit to the time at which they have to give this statement so that the necessary report for Parliament may be prepared. Now this bill provides further that companies, such as the mutual or benevolent companies to-day who do not fall under the section of the Act requiring them to furnish a statement of their business, should also be included and be required to comply with the general law of the country so far as insurance interests are concerned.

Hon. Mr. SCOTT—I rise to call attention to an amendment which I shall propose when the House goes into committee on this bill. It was given as a reason for the application of a name to a particular corporation whose bill will be considered later on, that the law under which insurance companies are organized does not authorize the Minister in issuing his license to make any inquiry as to whether the title of the company applying for a license is objectionable. It was asserted that any foreign company could come to Canada under whatever name it chose and that it would be entitled to a license on making application in the regular way. It seems to me rather an absurd proposition, and I thought if it were so, the sooner our law was amended the better. I know in countries outside of the Dominion, Canadian companies have great difficulty in getting a license when their name conflicts with that of any other company. Take the case of our Sun Life Company which applied for a license to do business in England. They were met with the objection that it might conflict with the name of another company doing business there. It seems to me that our law is very imperfect if the Minister cannot refuse an application of a foreign company for a license, but is obliged to give it under any circumstances. It is wholly inconsistent with the principles under which our legislation heretofore has proceeded. I have here the General Companies Act, and one of the points on which it is necessary to satisfy the Minister before a charter can be granted is, that the proposed corporate name of the company shall not be that of any known company incorporated and that it is not on other grounds objectionable. I find in the province of Ontario the same principle prevails, that on every application for a charter the Minister is bound to exercise a proper discretion. I presume the same principle applies in all the provinces, and so far as Parliament is concerned it was thought perfectly safe to trust this body not to give a charter which might be objectionable on public grounds, or whose title would conflict with that of some existing company. I therefore propose to add a subsection to section 4 of the General Insurance Act. I should have thought, under the terms of section 5 of that Act, the minister could exercise sufficient discretion if the name of a company which was applying for a charter was objectionable. However, Mr. Fitzgerald stated before the committee that the department did not consider that the minister could exercise a discretion under that clause. The next clause provides that a license shall issue. What I propose to move in amendment when the House goes into committee on the bill, is a subsection to section 4, which would preserve the harmony of our legislation. Section 4 is the one which treats of licenses, and this would come in properly as a subsection there. Hon. gentlemen will remember that the only excuse offered by the company that asked to be incorporated under the name of the Bankers Insurance Company was that some United States company was likely to come in and secure that title, and we were asked to commit a fraud because under our law the fraud might be committed by a foreign corporation. It seems to me that our legislation must be very weak and defective if a foreign corporation could come in and, under any name whatever, however objectionable, insist upon getting a license, and that seems to be the position that the Superintendent of Insurance, who has charge of that special branch, places us in. Although I do not concur altogether in his view, in order to make it perfectly clear that the minister must exercise his discretion, I propose to introduce the amendment of which I have given notice.

The motion was agreed to and the bill was read the second time.

Hon. Mr. ANGERS moved that the bill be referred to a committee of the whole House now.

Hon. Mr. POWER—As the bill is an important one, and as we had a long discussion on the Act which this bill proposes to amend, I hope the Minister will allow it to stand until to-morrow.

Hon. Mr. ANGERS—I have no objection if it is the wish of the House, but it would be more convenient to consider the bill after it goes through the committee than now. The bill is now in its crude form, and in committee it may be improved. Let us go into committee of the whole, suggest improvments and changes, and I will not press the bill any further and the House can consider it to better advantage at the third reading.

Hon. Mr. POWER—The hon. gentleman must see that if amendments are to be made to the bill, this stage is the most convenient one at which to make them. I am not asking for any favour; I am simply asking that the rule of the House be observed.

The bill was allowed to stand until to-morrow.

## FISHERIES ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. ANGERS moved the second reading of Bill (67) "An Act further to amend the Fisheries Act." He said:—This bill, which is to amend the Fisheries Act, is better known in the Senate as the saw-dust bill. Last year, towards the close of the session, an amendment was made to the Fisheries Act depriving the Governor in Council of the power of exempting certain rivers from the operation of the Act. In passing that amendment last year, I would not say that the House did not give it proper attention, but I do not think that they had all the facts before them when they decided that there shall be no more exemptions in a country which covers half of North America. The question turned wholly upon how it affected the people living on the shores of the Ottawa River. We lost sight of the fact that the change affected not only the Ottawa but every stream in the whole Dominion of Canada. There are hundreds of rivers in the Dominion which the government cannot now exempt from the operation of the Act even when the general interest of the country requires that such exemption should be granted. There are inland streams and small rivers of no consequence at all, streams that are not navigable and where the fish life is of no consequence, and where the lumber business is of the greatest importance. A mill of a certain size on such a stream can supply a whole county with the necessary lumber, and yet to-day the Governor in Council has no power to exempt that stream from the operation of the law, and the millowner, who is serving the public interest by his industry, is liable to a very heavy fine every day if he allows the saw-dust from his mill to be thrown into the stream. There are other rivers where fish live is of so little consequence that the lumber trade is of much greater public interest, and minor interest should give way to the other. I might say that the Ottawa River is of that nature. There are other rivers of an internation character where, we cannot prevent saw-dust and mill refuse being thrown into the stream. Our people are liable to a fine of so many dollars a day if they violate the law, while their neighbours in the United States are allowed to throw saw-dust into the river to destroy the fish life where there is any. It is not proposed by this bill that the power which the Governor in Council has enjoyed in the past shall be restored for ever, but a temporary measure is submitted to the House to the effect that this power should be restored for the space of two years. Investigations have been made already, especially in the east, with a view to classifying the rivers and ascertaining where saw-dust could be thrown into the water without any disadvantage to the public interest.

The commissioner, under the instructions of the Minister of Marine, is now in correspondence with the United States authorities with a view to making some agreement about the regulations which should be followed on international rivers such as the St. John, the St. Croix and others. It is almost certain that at the expiration of the period mentioned in this bill an understanding will be arrived at to apply the same regulations on both sides of the boundary. In dealing with this question last year, we were very much influenced by the fact that the Ottawa River—and that was mainly the river, no other points to which attention was drawn were considered—was being destroyed by saw-dust and mill refuse and consequently the exemption should be removed. For many years saw-dust and mill refuse had been

thrown in the Ottawa River. The plan which was shown in the lobby of the House established clearly that the river is to-day as navigable as it ever was. At one point there is an accumulation of saw-dust, but there is over that accumulation a very great depth of water. There is not less than 30 or 40 feet over the highest accumulation of saw-dust, and I want to draw the attention of the House to this fact, that even if there was a less quantity of water it does not matter at all for the purpose of navigation, because if you want to test the capacity of the river you have to go to the shallowest place in it; and I invite the members of this House to look at the point opposite La Blanche River shown on the plan. There you will find the minimum depth of water during the summer season is seven feet, and that the bottom is hard pan, bed rock all across, so that if you have deeper water off the city, it will be of no avail because you have got to go over the bar at the Blanche and there is only seven feet on the shoal there.

Hon. Mr. McMILLAN—How far is that from Ottawa?

Hon. Mr. ANGERS—About 22 miles below the city. So that if there is a greater depth of water over the accumulation of saw-dust than over the bar at the Blanche, you have not decreased the capacity of the Ottawa River. Now who are the people who navigate the Ottawa River? What is the transportation over it? Just one class of people, the lumbermen of Ottawa, the men who own the mills here at the falls. Do they come here and complain that the river is being destroyed and that the navigation of the Ottawa River will be impeded in such a way that it will become useless? On the contrary they say that the Ottawa River is as navigable to-day as ever it was. They use the same vessels that floated upon it 20 years ago, because at no time in summer can the draught be more than 7 feet, the depth of the water on the bar at the Blanche which has a bed rock bottom. Now who are those who complain of saw-dust being t own into the river? Do the fisherman complain? This bill is to amend an Act for the protection of fish, and it could properly be amended in this respect only so far as it would affect fish life. It has been demonstrated by fish experts that the idea we had formerly that saw-dust is destructive to fish life is not quite correct. There are many rivers in the United States where saw-dust has been thrown in and to-day the fish are as abundant as ever before.

Hon. Mr. KAULBACH—They get fat.

Hon. Mr. ANGERS—I do not think as a rule that it does fatten fish, but I say that it does not always destroy fish. That is the opinion of an expert in the matter the Commissioner of Fisheries in the United States. He gives you the fact that on the Hudson River, although saw-dust and mill refuse has been thrown in for years and years, fish life has not diminished. But we have in this case the very best evidence in relation to fish life—the testimony of the fishermen on the Ottawa River. They have sent in I might say a unanimous petition to say that the fish in the Ottawa River is as abundant to-day as it was 40 years ago and more. They do not petition against this bill. They petition on the contrary, that the exemption formerly granted to the millowners be restored. I may add that the riparian proprietors, unanimously almost, from Ottawa to Grenville, have signed petitions asking that the exemptions be continued to the millowners. They have an interest in it. Of course what is useful to the poor man may not suit the wealthy man, with a beautiful sandy beach and a summer residence on the Ottawa River. The sight of a few ships and saw-dust there may be an eyesore to him but to the poor man who lives all along the river, and who from this mill refuse picks up more wood than he requires to keep himself and his family warm during the whole winter, the throwing of the mill refuse in the river is not objectionable.

Hon. Mr. BOULTON—It is profitable fishing for him.

Hon. Mr. ANGERS—They pick up this wood and it is sufficient for them for the whole winter, and consequently their interest is with the lumbermen in that way. They do not object to the mill refuse and saw-dust being thrown into the river. There are millowners on the Ottawa River, especially at the falls here, who are so situated that they cannot comply with the law as it is now. Their mills were built many years ago. The foundations are nearly on a level

with the river. It is impossible for them to construct the necessary appliances to take up the saw-dust and burn it. They would require to have mills differently constructed altogether from those which they have at present, and in many cases the construction would be impossible. If they were in a position to build new mills and burn the saw-dust it would be imposing upon them a very heavy tax. Mr. Edwards, who is the manager of two mills on the Ottawa River below the city, has built the necessary appliances for burning mill refuse and saw-dust. He made a statement in the other House, which I think will commend itself to the consideration of the Senate. His position is very different from that of the millowners at the falls; there is plenty of space under his mills. They are so constructed that they can carry off the mill refuse and saw-dust and burn it. Notwithstanding that, the House must know that we have been imposing upon him a very heavy tax. I inquired whether he could insure his mill and the lumber in his yard for same price as before this law, and I was told no, that the companies exacted an additional premium from the fact that he had to burn the saw-dust there, the danger of a fire being so much greater than if the mill refuse were thrownin to the river. This great lumber interest on the Ottawa which supports thousands of families in this district, which represents, I suppose, an amount of money that I could safely put at several millions of dollars a year. That interest is opposed in this House by the petition of one boatman. There may be some other opponents but they are not known to me. I heard the petition of this boatman who said that from the fact that saw-dust has been thrown in the river his business has been completely destroyed. He leases boats and canoes for sport and pleasure on the river. He has a large boat-house in a bay at the foot of Sussex street, and his trade has been destroyed by the accumulation of saw-dust. That is the opposition that we are met. I wish to draw the attention of the House to the fact also that there is much less mill refuse and saw-dust thrown into the Ottawa River to-day than there was formerly. There are now, I believe, only three mills altogether over the falls. The percentage of saw-dust thrown into the river to-day is much less from the fact that the saws and appliances for cutting wood are very different from what they were formerly.

Hon. Mr. McMILLAN—They are thinner.

Hon. Mr. ANGERS—Thinner, yes; band saws. I have been told there is a great saving in the lumber from the fact that the saws are of a different nature from what they were formerly, and that they make less saw-dust than the old style of saws. Mills are gradually removing away from there, the nuisance is diminishing. This water power is being used for other industries. Under the circumstances, the House would be doing but justice and what I might call acting wisely in adopting the bill which is now submitted to restore this power of exemption to the Goveral General for two years, and to provide also that the fines and penalties to which the mill-owners have been subject since the first day of May last until this bill is santioned be remitted.

Hon. Mr. McMILLAN—Will the hon. gentleman kindly tell us the locality where there is only 7 feet of water over the bar?

Hon. Mr. ANGERS—The Blanche River is not the only one where the Ottawa River is very shallow. Within a short distance of Ottawa there are three or four sections in the river where those shallows exist.

Hon. Mr. CLEMOW—Whose plan is that?

Hon. Mr. ANGERS—Mr. Fleming's.

Hon. Mr. CLEMOW—I thought so.

Hon. Mr. ANGERS—This plan shows the section of the bottom of the Ottawa River from Ottawa to Grenville. It shows where the shoal is rock and where it is sand.

Hon. Mr. McMILLAN—Is there any place on the Ottawa River where the Ottawa River is shallower than it ought to be on account of the saw-dust?

Hon. Mr. ANGERS—No; in no place on the Ottawa has the saw-dust accumulated to an extent to lessen the depth of the water to the minimum on a rocky bar at the Blanche River.

Hon. Mr. POWER—Has the hon. minister ever been down to the mouth of the Rideau canal?

Hon. Mr. ANGERS—I forgot to refer to the saw-dust at the mouth of the Rideau canal. That is not a portion of the river—it is a portion of the canal. Of course there is an accumulation of saw-dust there, which sometimes would prevent the entrance of barges into the canal. That is a thing for which the mill-owners themselves provide, and whenever that takes place—it is about the only place where the mill refuse accumulates to interfere with the navigation—the mill-owners of Ottaw dredge the river there and remove the saw-dust. They are the interested parties, the only parties who are using the Rideau canal, the only people who make any transportation over it; and they dredge that place at their own cost every time.

Hon. Mr. MACDONALD (B.C.)—Was any offer made by the mill-owners to abate the nuisance at the end of the two years?

Hon. Mr. ANGERS—The hon. gentleman will understand that this is not a bill of the mill owners; it is a bill of the government, and the government want that much delay before the law that removes all exemption be enacted. The mill-owners made no proposal, but the government will take such steps that at the end of two years the question shall be solved altogether according to the wish of the House then. The intention is to classify the rivers, if possible, and saw-dust may be thrown into the water where it is established that it is not detrimental to the fish or to the public interest, and the lumber trade requires it. The Ottawa River according to the interests and according to the state of things then existing, will be classified. By that time it may be that no mill refuse or saw-dust will be thrown into the Ottawa River at all.

Hon. Mr. MACDONALD (B.C.)—The hon. Minister has forgotten to refer to the bearing of this bill on British Columbia rivers. I believe there is an intention to allow the fishermen there to throw fish offal into the river. A proposition is made to manufacture oil from the refuse. The fishermen are rapacious and they must be defended against themselves. I hope if they are given any such permission, it will not be given for a long time.

Hon. Mr. CLEMOW—This question has been before the Senate for the last eight years. I do not believe the Minister of Agriculture was present on any occasion when it was discussed, except last year. I propose to show what has taken place upon those different questions, and what the views of the government have been at those different times, and allow hon. members to judge for themselves, whether the course forced upon us is not perfectly correct and just in the interests of the people of this country. Early this year, at the commencement of the session, I applied to the government for information that I wanted them to supply us with, reliable information from their own engineer, Mr. Gray, who was employed in 1886 or 1887, to make a survey of the bed of the Ottawa River. In place of that, they bring down here a plan made at the instance of the lumbermen, interested party, by a man who, I say fearlessly, was never on the river one minute. They bring that down and practically say that the evidence of their own engineer is not to be relied upon. They certainly ought to have confidence in their own engineer. They appointed him and gave him full instructions to inquire into this nuisance which has been increasing from year to year. There is no knowing where it will stop, because I do not believe the lumbermen propose to stop it at the end of two years. If this were the first proposal on their part, I would consider it reasonable, but in the face of what we know and what has occurred, I do not think they have any intention of stopping it, and this legislation is sought merely for the purpose of evading the difficulty for the present, and at the end of two years they will come and tell you that it is impossible to comply with the law, and will ask for further delay. The Minister of Agriculture says that he has produced before us petitions from a great many persons in favour of the bill, and that only one man has petitioned against it. I know of one petition against this nuisance, signed by 2,000 reliable men, which was presented to the government, but very little attention was paid to it. I intend to go over this matter from the beginning, and show that we have no alternative but to reject this bill. Last session this question was fully debated, and there was such a

unanimous opinion in this House that the government very properly gave in. During that interval has one solitary thing been done by the lumbermen to remedy this evil? Not that I know of. They have not made a movement for the purpose of putting an end to the disgraceful state of things which has existed too long, and which is a menace to the navigation of the river and a disgrace to the Dominion. It is unnecessary for me to describe it to you, because everyone of you has seen it for himself, and no man can go down the Ottawa River without seeing for himself that the throwing of saw-dust into the river is a standing disgrace to the parties who permit the nuisance to continue. We are told that the mill-owners intend to remedy the evil. Why have they not attempted something before now? Why have they not tried during the past year to do something? Why when erecting new mills have they not made arrangements to destroy their saw-dust? No, they have not done anything—it is easier for them to throw their saw-dust into the river than to supply the necessary machinery to destroy it. Mr. Edwards, to his credit be it said, has come out in favour of his friends. He has made all the necessary arrangements for burning the saw-dust at his own mills, but he has a fellow-feeling for the gentlemen with whom he is associated, and in his kindly way, he says it is more difficult for them than it is for him to destroy the saw-dust. But we have nothing to do with that. This is a matter that concerns the whole country, and not a matter concerning the city of Ottawa alone. These navigable rivers belong to the whole people of Canada, and I contend it is a matter of right to the whole public that no individuals or corporations, no matter how influential they may be, shall have a right to destroy or obstruct the free navigation of the rivers. It is said that we have no fish in the Ottawa. It is very easy to understand why. It is utterly impossible for fish to live in beds of saw-dust; but I can tell you as a fact, that when I came here fifty years ago there was no river in the world that was better supplied with fish than the Ottawa, but as I have said, it is impossible for fish to live in waters filled with saw-dust, and we have been deprived of that great source of food for many years. This matter has been debated so fully before that hon. gentlemen, except, perhaps, those who have come here very recently, understand the subject thoroughly, and it is unnecessary for me to continue further in this line, except to show the various positions taken by the different parties on this question since 1888. Surely in seven years the mill-owners have had an opportunity to show a disposition to do something. If they had displayed any inclination to abate this nuisance, I believe the people would have been perfectly satisfied, but in place of that they have gone on increasing the nuisance. The Minister of Agriculture says that the quantity of lumber manufactured here has decreased. I can tell him that there are some 500,000,000 feet of lumber sawn at the Ottawa mills, of which 8 per cent is saw-dust which is thrown into the river, and hon. gentlemen can see the danger that that causes to navigation. They tell you that the main channel is not obstructed. That may be at the present time, but will any one tell me that the bays are not filling up? And when those bays are filled, what will become of the saw-dust? It must find some place, and that will be in the channel of the river, and a few years hence the Ottawa River will be unfit for navigation. We have also to consider the riparian rights of the people who live along the shores. Why protect one class of people and not others? I think all should be treated alike, and that the navigable rivers should be kept free from obstruction for the use of all people throughout the Dominion. Therefore, it is nothing but right that the destruction of the river should be stopped. If the government succeed in carrying this bill, I hope they will take steps to compel the mill-owners to do their duty to the public. The best plan for me to pursue is to give you the different stages of the question since 1888. The first action was taken in that year on the 7th May, when I moved an address for a copy of the report of Mr. Gray, the engineer, and asked whether it was the intention of the government to prevent the obstruction of the river by mill refuse. To that Mr. Abbott replied:

My hon. friend has put upon the paper a combined notice—notice of motion for an address and notice for a question, both comprised under the the same head. I only call his attention to that; it is a little irregularity of which no one desires to take advantage. With regard to the report of Mr. Gray, he is a subordinate official of the department and he has made a report to the chief engineer, who has obtained other information besides that contained in Mr. Gray's report, and is preparing a careful report on the whole subject. The government have been giving very careful attention to

this matter and think it of too much importance to be left entirely to the report of an official. They think it deserving of an inquiry by competent persons, with power to take what evidence may be required in that respect. For that purpose they have determined to ask this House to appoint a committee of its own members, skilled in such matters, as far as may be practicable to enquire into the effect of the deposit of slabs and saw-dust in the river and report on it to the House. I may tell my hon. friend that the law is amply sufficient for the prevention of such deposits. There has been some relaxation for a long time past under an Order in Council, because a good many difficulties exist in Ottawa as to the disposal of saw-dust. Where timber is sawn by steam-power the mills consume the saw-dust, and most mills have facilities for depositing it in the neighbourhood without incurring any great expense, but the Chaudière mills are peculiarly situated. They have no means of burning the mill refuse, nor have they any place which can be reached without considerable expense where saw-dust can be deposited. However, these facts only show that there are difficulties to be considered as well as the questions of removing the evils which exist. I shall move for the appointment of a committee to inquire into the matter.

The following day Mr. Abbott referred to the subject again :

With the permission of the House I am prepared to move for the committee, which I suggested yesterday, with respect to the saw-dust nuisance in the Ottawa. I may say that the session is so far advanced and the season is so far advanced that there is not much time to be lost. The government have power under the existing law to do what is needed and what will be done will depend largely upon the report of the proposed committee. I am prepared to move for the committee if the House is willing.

Then the committee was appointed and my hon. friend from Richmond presided as chairman at its meetings. A good deal of evidence was taken and when the report was brought in the House the hon. gentleman from Richmond said :

In moving the adoption of the report of this committee I do not think it will be necessary for me to occupy the time of the House for more than a few moments. The subject referred to is one of very great importance and it received careful attention from the committee from the time that we had at our disposal. I may state that the committee, composed of ten members of the House from different sections of the Dominion unanimously concurred in the report, and therefore it may be presumed that the report itself was, under the evidence given to us, the most judicious that we were in a position to make. It was found on evidence of the clearest character, that deposits of saw-dust and other mill refuse had been for many years past made in the Ottawa River, destroying largely the navigable passages of the river and also doing a very great deal of destruction to riparian rights of proprietors. The committee after having heard evidence on this point, from gentlemen of engineering skill and qualification, as well as from residents of Ottawa of large experience on the subject, had no hesitation in saying that a serious injury was being done to the river by these deposits of saw-dust and refuse, and that in course of time if the evil was not put an end to, the navigation of the river would be irretrievably destroyed. It was also found that these deposits, in many cases, were considered a dangerous menace to the health of the city, and on that ground also should in the future be prevented. The investigation of the committee also elicited the fact that sawdust and mill refuse could be very well utilized for various purposes and that the destruction of anything remaining for such purposes could easily be effected from the experience of other mills not only in Canada but in the United States as well. However, the large lumbering interest involved in the question referred to us was considered of such importance, not only to this district but also to the country generally, that the committee did not see their way to ask the government immediately to enforce the law in reference to saw-mills on the Ottawa River, but they do recommend that, as soon as practicable, the government having regard for the vast interests involved in this trade, would repeal the proclamation under which exemption is now granted to the mills at the Chaudière Falls and enforce thereafter strictly the provisions of the law. As I do not feel a local interest in the matter and as there were two gentlemen well qualified to speak on it on the committee and no doubt in addition to the general public importance, also feel a local interest in it who will require to address the House, it will not be necessary for me to detain you any further.

There was a good deal of discussion on that, and Mr. Abbott said :

As I expected when I moved for the appointment of the committee, their labours have proved to be of great importance ; and I have no doubt will be of great advantage to the government in forming an opinion as to what should be done to prevent injury to the navigable waters of the Ottawa, and to the health of the people residing along its banks. I shall call their attention to the report and to the evidence, not forgetting the points raised by the hon. gentleman from British Columbia and as soon as the prorogation of Parliament will give them the opportunity of doing so the subject will undoubtedly be taken up and careful consideration given to it. There is no doubt the interests at stake are very large indeed, and cannot be dealt with harshly and carelessly ; but there must be a solution found for the difficulties which this practice of depositing saw-dust in the river seems to cause. It cannot be allowed to continue if it is to result in the way which hon. gentlemen who have spoken describe, and which I think the report largely confirms. I was much pleased in reading the report to find the decided yet moderate tone in which it was couched. I perceive that the members of the committee have understood and considered the difficulties which attend the subject, and I think I can assure them that the recommendation they have given with its qualification will be carefully considered by the government.

Now, hon. gentlemen, there was a preliminary step taken. I shall read some of

the evidence produced before that committee, facts of such a character as will convey to every hon. gentleman's mind an idea of the injustice which has been done to this section for a great many years. They were gentlemen holding various positions among them the mechanical engineer of the government, the superintendent of the Rideau canal, and others, old residents occupying conspicuous positions, who were well acquainted with the river in a variety of ways. Their testimony is given in such a manner as will bring conviction to the mind of any one that they were stating the truth, and nothing but the truth. First, we have Henry Gray, who was an engineer of the government. He appeared before the committee, and had plans and profiles and had bottles of samples of the deposit taken from different places, and he very minutely described the condition of the various parts. Mr. Gray, after giving particulars of the various sections, continued :

It has been a very difficult matter to obtain reliable information from any outside sources with respect to the amount of damages consequent upon the dumping in of the saw-dust and mill refuse into the Ottawa River. When asking information I have found reluctance on the part of the mill-owners to give answers which might be used against their interests. Mill-owners who do not place their saw-dust and mill refuse in the river did not wish to have their names mentioned as giving information against those who do. Merchants, shippers, traders and others, living in and near Ottawa, are so dependent upon the mill-owners and lumbermen that they declined to give information, except in a few cases.

It will thus be seen that what with the above and the fact that in the Public Works Department we have no record of any former examination or survey that would give me data for comparison, it is impossible for me to state the extent of damage done to the river from the saw-dust and refuse.

That millions of saw-dust and mill refuse fill the bays and creeks and cover the shores of the Ottawa River, gradually encroaching upon the channel, and in many places obstructing navigation, cannot be denied.

Some idea of the quantity of saw-dust deposit in the river may be formed from the following official return of last year's business of the Chaudière mills :

| | Feet, B.M. |
|---|---|
| Bronson & Weston | 65,000,000 |
| J. R. Booth | 70,000,000 |
| E. B. Eddy & Co | 69,000,000 |
| Perley & Pattee | 70,000,000 |
| Hurdman & Co | 56,000,000 |
| Grier & Co | 35,0 .0,000 |
| Total | 365,000,000 |

This return is said to be some 15 per cent under the amount of previous years. It is estimated that at least one-eighth of the amount of material cut is saw-dust. Now, taking the above figures, we find 365,000,000 feet B.M. equals 4,380,000 cubic inches, equal to 2,534,722 cubic feet or 93,878, cubic yards ; allowing that more is cut from the log than returned as feet B.M., and also that the above return is 15 per cent under the amount of former years, then at least 100,000 cubic yards is the output, and one-eighth of this means 12,500 cubic yards of saw-dust alone deposited into the Ottawa River every year from the Chaudière mills from the process of cutting up the logs.

The above is only saw-dust. To this must be added slabs and edgings. Much of the slab wood is broken up by "hogging" machines and this increases its damaging effect upon navigation, this operation causing it to be the sooner water-logged and consequently to sink. If the stuff was allowed to go into the river as slabs it would be picked up for firewood ; now it is useless and sinks to the bottom, forming with the other material a mattrass, which, in course of time, cannot be broken up or lifted by dredging. This difficulty was, I am informed, met with at the mouth of the Gatineau River.

There are lath and other machines dumping the saw-dust from year to year into the river.

It is no uncommon occurrence for explosions to take place in the gas generated from the saw-dust. In January last an explosion took place opposite the Rideau River and broke up the ice, bringing from the bed of the river a large amount of mill refuse. Another explosion took place on the night of the 11th April, and ice 14 inches thick covering an area of 1,500 feet was thrown up and broken into small pieces.

To remove the saw-dust and mill refuse from the river, or a portion of same, by dredging, is a most difficult problem to solve. Where it is loose a dredge bucket cannot pick it up, and where it has become matted together it would have to be cut or separated by explosives before being dredged. But even if it were easy to be taken out of the river where could it be deposited ?

By Hon. Mr. Scott :

Q. Have you had any experience as to the effect of saw-dust in other localities?—A. No.

Q. I understood that you had made some examination at Spanish River ?—A. I received some information when I was making inquiries respecting the river here. I was in Collingwood some little time ago and a gentleman there told me that at Spanish River, Byng Inlet and Serpent River, where they have large mills they found it almost impossible to work them. The men after going there took typhoid fever and the doctors in the vicinity say that it is attributable to the gasses arising from the decomposed saw-dust. If you take a stake and push it down through three or four feet of water just below Kettle Island, and pull it up quickly you will see the gas bubbling up, and the smell arising from where we took the boring was something unbearable at times.

By Hon. Mr. Clemow :

Q. Have any of these samples been analysed ?—A. No.

Q. Are you aware of any method of destroying the saw-dust ?—A. No.

Q. Do you know of any mechanical means by which it could be utilized or burnt ?—A. It is burnt at other mills. At Mr. Edwards's mills and

on the South Nation River it is burnt, and I have seen all the mill refuse burnt at the mills at Midland, Waubaushene, Penetanguishene and other places.

Q. At Edwards's mils they consume all the saw-dust?—A. Yes, and at the mills on the South Nation River.

Q. Do you think that the hogging machine is a detriment rather than an advantage?—A. I do, most decidedly.

Q. Some years ago it was considered an advantage?—A. It is no advantage. The wood being broken up, of course it becomes water-logged quicker and sinks to the bottom where it becomes a perfect mattrass.

Q. I suppose in course of time, when these bays are filled up, the refuse most naturally goes into the channel?—A. There is no other place for it to go.

Q. Ultimately the whole channel must be filled up?—A. In a few years' time there would be no navigation of the river.

Q. I understand that the water was very low last year?—A. Yes, very low—four feet ten inches above the sill at the lower lock of the Rideau Canal.

Q. You had an opportunity of judging of the character of that saw-dust and you say that the smell emanating from it was so obnoxious that you could hardly stand it?—A. It was very obnoxious.

Q. And injurious to health?—A. Yes, I know the effect it had on myself.

Q. You can speak of it from your personal experience?—A. Yes. When our boring tools would come up, the sickening smell would be so great that at times I had to go to the stern of the vessel.

Q. Then you became actually ill?—A. Yes.

Q. Had it the same effect on others?—A. Some of the men on board suffered the same way.

Now here is another gentleman, Mr. Brophy who was employed by the government on this place for a great many years and has charge of the works above Ottawa:

Q. How long has he been employed in the department?—A. Since 1873.

Q. Before the mills were erected?—A. No, since then.

Q. You know nothing as to the river prior to the erection of the mills?—A. No.

Q. You have examined the river from time to time, I believe?—A. Yes, I have been up and down the river pretty often.

Q. Have you observed the effect of the saw-dust?—A. I think the saw-dust and mill refuse are constantly accumulating and encroaching on the river channel. I have never made any survey as Mr. Gray has done, but I know from my own observation that the mill refuse has accumulated at certain points.

Q. Will you speak as to these points?—A. For instance, in these bays that Mr. Gray speaks of—McKay's Bay, and Black Bay further down, and all on that side of the river, I know the saw-dust is accumulating constantly, and it is accumulating in the Gatineau around the government booms. In 1874 we had to put dredges on to dredge out a channel. We found a very large quantity of saw-dust and this stuff from the hogging machines and slabs, all interlaced and very difficult to move. So much so that in many places we have to turn the dredge around and just force the stuff up to the side and let it remain there.

Q. At the entrance to the locks, you understand about the accumulation there?—A. Yes.

Q. From your observation there is a great deal of accumulation of saw-dust and refuse lessening the depth of the water in those places that you mention?—A. Yes; at one particular point I had charge of the dredging one year—I think it was in 1876—across Green Shoals, and we found the saw-dust and slabs all interlaced there with the layers of sand as we did the dredging—that was about 4 or 5 feet down—and the pilots at that time and the boatmen all said that the saw-dust and slabs were accumulating gradually and closing up the channels. There was undoubted proof of it there at that particular place, because we had to dredge it out.

Q. What place is that?—A. Below Kettle Island—Way's Shoals.

By Hon. Mr. Clemow:

Q. Is the channel shallow at that point?—A. No; but it had filled up. The pilots on the boats at that time claimed that it had filled up there and they could not use it, and they crossed to the north channel, but they preferred the other, and we dredged it out.

Q. They could not use that channel?—A. They could not use it until it was dredged out.

Q. Have you noticed those offensive gases that Mr. Gray spoke of?—A. Yes, I have often noticed that when boating, and when we were dredging it was unendurable. The refuse will often come up almost dry and moulding.

Q. You know that there was a great deal of sickness here last fall?—A. Yes.

Q. Do you know that it was attributed to the gases coming from the decomposed saw-dust?—A. There have been a great many theories about that.

Q. In boating on the river have you observed this gas rising?—A. Yes, I have seen the explosions, as they call them.

Q. And when not boating you have observed the odour of the gas?—A. Yes, when dredging.

Q. If you were near one of those explosions, such as you have seen, would you be in danger?—A. I have never seen but one that would upset a small boat; that was at the foot of that island, but the smell is unbearable.

Q. Mr. Arnoldi said yesterday that he had seen explosions that would destroy the "Peerless" if one of them had occurred when she was passing over it?—A. I have no doubt of it.

Now I will give you the evidence of Mr. Arnoldi, late engineer of the Public Works Department, whose business it was to navigate this river for many years—a man well skilled in navigation and a competent authority. He gives us information which I think will be satisfactorily received by this House:

Q. You are mechanical engineer of the Public Works Department?—A. Yes, and I am also superintendent of dredging for Ontario and Quebec.

Q. You are well acquainted with the Ottawa River?—A. Yes; I have been travelling on the

Ottawa on the dredging service since 1879, and before that on my own account as well.

Q. Can you give us your experience with reference to this river from the time you first knew it up to the present time? You were here before the mills were erected?—A. No, not before, exactly. I have been residing in Ottawa since the year 1866; from the year 1869 I have been living on the Ottawa front, in the proximity of Rear Street, commanding a full view of the river, and since 1873 I have been living on the very brink of the river. When I first knew the river, the portion where the water works now discharges, what was called Cockburn Bay in olden times, it was in its natural state—mud to the water's edge, and a resort for pleasure excursions, row boats, picnics and things of that kind. There was no possible obstruction at that time to the free navigation of the river for small boats.

Q. Was that below the falls?—A. Yes, below the falls. It is what is called Cockburn Bay. There was no obstruction to small boats in any shape or form, and this clear water navigation extended all the way up Bingham's Creek to the rapids, and the place now called Ratté's boathouse was also a great resort for small boats, and I never saw any difficulty in using any of those places for boats to go in and out of.

By the Hon. Mr. Botsford:

Q. Please explain where Ratté's boat-house is?—A. It is the bay where the "Peerless" wharf is. It is the eastern edge of Major's Hill. From the year 1866 the obstruction there from saw-dust and mill refuse has been gradually increasing, until it is now almost impossible to navigate that bay in a small boat, and I am under the firm belief that this obstruction extends almost the whole way down the river, cropping gradually into all the bays. Of late years I have had more to do with deep craft boats, like tugs and dredges. I have the management of all the Government dredges, and we have had sometimes great difficulty in getting over the bars in the river from want of water, especially at the Blanche, opposite Rockliffe. In the vicinity of Rockliffe, and down to the mouth of the Lièvre, there are very large deposits of mill refuse. I might give you a kind of recital of what I know merely in a casual way, because I have never made a special soundings of the river. I am speaking as a navigator. Do not confound my evidence in any way with a report or examination which has recently been made from a civil engineering point of view. At the foot of what is called Pine Tree Island, as well as I can find out from inquiry, at the time of the survey by Mr. Walter Shanly, I think it was in 1859, it was reported to me that there was 39 feet of water below that island; and in the year 1866 a shoal of saw-dust and mill refuse stood out of the water on that same spot, probably 4 feet.

By the Chairman:

Q. At what season of the year?—A. It does not make any matter what season of the year or condition of the river; because you take the maximum depth of water 39 feet.

Q. Was it at high water?—A. The information I had in 1859 was that there was 39 feet of water there in high water. I am giving that 39 feet as the best information I could get about it. At the low water in 1866, as near as I could calculate the thing, a shoal of mill refuse was standing out from two to four feet above the low water level and this extended I think fully six or seven hundred feet down stream from the island with a proportionate width. This was a sufficient obstruction to navigation that many boats grounded on it. The least carelessness in following their channel would ground a vessel on that shoal. I was on it myself, Mr. Gilmour's yacht was on it, and other vessels plying on the river have been on it.

Q. Did the island cause accumulation at that point?—A. I ascribe this accumulation as being formed by the strong current coming down in high water and washing out the bays in the vicinity. Wherever you have an island or any obstruction in a rapid current it forms an eddy and the refuse settles in the dead water. In the year 1887 at low water, it was very much lower than in 1886, I think it was the lowest water we have had for forty years—this shoal had practically disappeared from observation. I did not run over the ground as I was very busy, but I think the greater portion of the shoal had entirely disappeared to a certain limit of depth showing that the mill refuse is not permanent when it forms a shoal—that it will move according to the state of the water and finds other localities to deposit itself in. I am also aware that the bay at the mouth of the Rideau Canal between Major's Hill and Barrack's Hill is so filled with mill débris that it is almost impossible to navigate there at a low water. It is a positive obstruction and the material is of such a nature that it cannot be removed by ordinary dredging plant. Special appliances will have to be constructed to remove that deposit or any other deposit of mill refuse.

Q. You say it cannot be removed by ordinary dredging plant?—A. No, you have got to have special arrangements, because a dredging tug has just a big scoop and there is teeth in it for hard packing, and if you put that down into mill refuse and it comes against a slab it is stuffed and sticks on the teeth. Then when you start it again and get the stuff into a bucket you cannot dump it. It will be a scientific problem how to take that stuff out. Another difficulty which will be attendant on the removal of this mill refuse, differing from the ordinary dredging in the channel of a river, is in the dredging of ordinary earth in clay or gravel or such natural deposits, you can dump it into scows or you can throw it on the banks if you are near enough to do it, and that is the end of it. In regard to working it by scows the scows when loaded are towed off to deep water and emptied there, forming no obstruction to navigation; whereas in the case of mill refuse it has all got to be taken ashore somewhere, and an apparatus constructed for burning it, which is going to be a very expensive operation. It will take some time to dry the material to such a condition as will allow it to be burnt. Further than that, in a river like the Ottawa where you get high freshets there is a great deal of sand and silt, and ground up gravel and one thing and another which gets mixed with the saw dust and which prevents it from being of a very combustible nature. In fact I see no way at all to get the stuff lifted from the bottom or getting rid of it except by this burning process or by carting it into valleys or gulleys. It has to be handled on shore. It cannot be got rid of in the water by dredging. I should estimate the cost of handling, that by the time you are finished with it at ten times the

amount of ordinary dredging. A year ago, and also three years ago the navigation of the River Gatineau within a mile of the mouth where it adjoins the Ottawa was so obstructed that barges loading at Gilmour's mills could not be taken either up or down. They could be taken up light, but the tow boat that had to take them could not go and bring them down loaded from the piling grounds. Consequently, the Department of Public Works had to dredge there on both those occasions to open a passage for the lumber trade.

By Honorable Mr. Botsford :

Q. Were those obstructions caused by the refuse from the mills above here ? A. I am coming right to that. In the course of the progress of this dredging I frequently examined the material taken from the bottom, and I find it to be a mixture of ground granite and sand and sawdust, &c., from the mills. I showed it to Mr. Gilmour, one of the applicants for the dredging, as he was the only one interested in this navigation, and he had to acknowledge that there was a good deal of mill stuff in it. These obstructions without any doubt at all, are merely and purely from the mills above on the Gatineau. Of course it must be admitted at the same time that a raging torrent, such as the Gatineau is, for miles and miles brings down boulders with the ice, and they grind against each other and make the most beautiful sand in the world. For building sand it could not be excelled. No doubt a great deal of that is attributable to the spring freshets coming through this every rapid river.

Q. Mixed with sawdust ? A. Yes, to a certain extent. In some places we would get pure sand and then the next yard or so we would get on to a mixture of sand and sawdust.

Q. That came down from Gilmour's mills ? A. certainly.

Q. Do they grind their slabs there ? A. I think they put them through the "hog." Any observer going up the Gatineau River just above the railway bridge—a few hundred feet or so, will see a large shoal right in the middle of the river extending probably four or five feet over the level of the water composed entirely of mill refuse. There is a channel on either side and in the middle is this great amount of mill refuse. It includes also stumps and roots and sticks and one thing and another, and keeps enlarging year by year. In all rivers where there is a flow of silt and freshets if you stick a walking stick into the channel the silt will form a shoal in a few days. Near the mouth of the Gatineau there are a large number of piers for tying booms to, and beyond everyone of those piers you will see a large shoal just as I explained just now in the eddy of the current. I have seen ten or twelve feet of water right along on one side of the pier and by going around to the other edge of it you would find a shoal dry out of the water. Of course the great argument with the lumber men is that the main channel of the river is not obstructed by sawdust. I will admit that to a very great extent but that is not the question. That is their way of defending themselves but it does not settle the question at all. You take a river indented with bays along its banks. The great stream runs down the centre. As the water runs it carries with it in a floating state the silt, sand, sawdust and mill refuse. Of course they will not stand in the main channel. They slide off into the bays where the current forms an eddy. In some of those bays you will find 20 or 30 feet of silt and sawdust. Therefore the reason why the channel is getting shallower on the whole route on the river is because the sawdust and mill refuse has taken up the space that nature provides for the silt to settle in. The sand being heavier than the sawdust it remains in the bottom of the channel and the sawdust floats into the bays where it sinks. The main channel is thus obstructed by the natural silt of the river because the sawdust fills the place that nature intended for the silt to be deposited in.

Q. When the bays get all filled up with sawdust what will become of this other stuff ? A. It is lodging in the channel now. The bays are nearly filled with mill refuse now. You ask me what will become of the river after the bays are all filled up. I believe that after the bays are all filled up the river will become a sort of road bed for a railway or something of that kind—it will not be navigable. The lumbermen will tell you plainly that there is nothing in the channel and they are quite right. The mill refuse will not stay there ; but the river from the time you leave Ottawa until you reach Grenville is interspersed with islands and the consequence is the water is thrown from one side to the other forming eddies into which the saw-dust is gathered and it is filling up all the little bays. There is a very large shoal at the mouth of the Lièvre where it was once deep water and now you cannot run a skiff in. Below Government House here at the city the square timber men used to band up the rafts in the bays ; now there is about thirty feet of sawdust there standing out of the water. The bays all the way down are filled in that way. When you ascend the Lièvre River a few miles, and at Buckingham there are large mills, the refuse from which is thrown into the river. Then when you get down to Petite Nation you find the Edwards mills ; and they burn to a certain extent their refuse and are doing very fairly. At North Nation there is a bay there, also a mill, and when you get to Montebello there are mills again on both sides of the river, all contributing their share to the refuse that is filling up the bays. At the mouth of the South Nation we had to dredge last summer on a shoal of this stuff. We have also had to dredge the mouth of the Salmon River, three miles below the Montebello River to let cordwood barges in. I admit that we dredge sand there, but the shoal is the result of the natural bays of the river being taken up by sawdust and slabs. When you get down to L'Orignal wharf there is about six miles of a run there, and if you do not keep the lights exactly right you will surely go ashore. The shoals in the channels there are pure sand, and there is where the natural freshet silt is coming to, it is coming down the channel and depositing itself in the middle of the river instead of going into its natural receptacle, the bays. You might have that sand shoaled there without a mill on the river however.

Another large shoal has formed in front of the Grenville Canal, and you have to hug the north shore very closely through a narrow channel to get into the canal. That shoal is pure sand, but it is formed there to a great extent by not having any chance to be deposited elsewhere, the bays having been filled up with saw-dust.

By Hon. Mr. Botsford :

Q. Then, according to that, if there were no

mills on the river, the silt would fill up all those bays which are now filled with saw-dust?—A. Yes, but that would take centuries.

By the Chairman:

Q. And there would be no difficulty in dredging it?—A. No, an ordinary dredge such as the government use will lift all sand or mud such as the Ottawa river is composed of, from 400 to 700 cubic yards per day. Now, if she took out of that saw-dust 100 yards a day, I think she would be doing very well. The first cost would be, a tug could only do 20 per cent of what she could do in ordinary dredging; then the next cost is that it is almost impossible to get rid of this saw-dust and mill refuse after you have it dredged. It would have to be thrown into scows, and carted on shore and dried and burned, or filled into gullies, which would cause an enormous amount of handling. Right in the middle of Cockburn's Bay here below the city, the shoal stands right out of the water now. It is right in front of my own house, and I see there is another shoal which has been forming for years on the opposite side of the river, which is also appearing above the water.

Q. You think if no steps were taken to provide a remedy, the evil will go on increasing until the river becomes useless?—A. The channel will become so contracted that it will not be navigable. Of course when you shut the channel of a river up it will begin to scour and find another channel. The channel will frequently change like in the Mississippi, and the shoals will shift from one place to another. The floating refuse as it appears to the eye on the surface of the water, all depends upon the wind as to which direction it will take. It may be all on the north shore for perhaps a week or a fortnight, and the wind will turn to either north or north-west, and it will blow it all to the south side, and a certain proportion of it is carried down the middle of the river to some of the shoals or bays.

Q. Is there any difficulty in getting rid of the saw-dust at the mills without throwing it into the river?—A. There in no mechanical difficulty at all in providing means for getting rid of saw-dust. The fact of the sunken saw dust and mill refuse being a permanent obstruction wherever it is deposited in the river, is well known. The late Horace Merrill, superintendent of the Ottawa River Works in his lifetime, and who had as much experience on the river as most men have had, told me that he had dug up saw-dust it had been down forty years, without the slightest sign of rot in it. From my own personal observation, in dredging at Shannonville, I have seen the dredge take up saw-dust from the bar at the mouth of the river, although a saw mill had not been on the river for thirty years. Before retiring from this part of my duty, I want to put in something that perhaps has not struck anybody as being important, and which I consider to be one of the most important facts against the saw-dust nuisance that has ever been brought to notice. As I have told you, I live right over the cliff, and from my own window while dressing, I can see the barges and the cribs and the saw-dust and refuse coming down. Now, a thing that demands the most serious attention, perhaps more serious than anything else is the danger that is arising from the saw-dust deposits. These piles of saw-dust in the bottom of the river generate a gas which produce explosions by which the "Peerless" might be broken to atoms. I have seen three explosions a week occur in front of my own house. I have seen a barge thrown clear up on top of the water by an explosion of this kind in front of my house. In proof of the danger of these explosions there is a shipyard on the Hull side, opposite the steamboat wharf, and in the course of my duties I have used that ship-yard for wintering government vessels. About four or five years ago, during the winter, when the ice was a couple of feet thick, I crossed over to Hull by the regular main road across the ice, say on Thursday, and the very next day, in the middle of the river, the whole of that ice was blown up for about two acres—broken into atoms, right over the very route the steamer comes when coming in with her passengers. These explosions you may have at any moment on the river. Now, to continue the statement about the ice, the broken ice froze together again solid, and within a week or ten days it blew up again in the same place. That is the most extraordinary part of it. One would have thought that the gas had been got rid of by the first explosion, but such was not the case. I apprehend that some very serious accident will arise from these spontaneous explosions. I cannot say how far down the river these explosions occur, but I know that from the proximity of the Queen's Wharf to the discharge from the city waterworks, they may be expected at any moment, at any hour of the day, or any season of the year, but probably most in summer. You can imagine yourselves what a tremendous deposit there must be from those mills. I think that it is the most serious aspect of the whole thing. Of course, from the obstruction of the river is a commercial loss, but the danger of life is still more serious. The stench that arises from the river after those explosions is terrible. It comes from the fermentation of this mass of organic matter. Of course, the Ottawa water contains a large amount of vegetable and chemical matter in suspension, and when it is deposited with the saw-dust and other refuse, the fermentation of the mass creates this gas. There is another point worthy of consideration. Every steamboat that navigates the river has to take its supply of water for the boiler from below the water line. They put in a pipe with a rose at the end to prevent any foreign material from entering the pipe, but it is with the greatest difficulty they keep their pumps in working order in the vicinity of Ottawa, owing to the saw-dust. In navigating the Ottawa myself, I have always to run outside of the floating sawdust to avoid getting the pumps choked. Sometimes in navigating the river it is like going through porridge from 6 inches to a foot thick, according to the pressure of the wind. Sometimes you have got to go through it; you cannot avoid it, because the water is so shallow outside of the channel.

Then Robert Surtees, city engineer of the city of Ottawa was called and states:

Q. You are city engineer of this city?—A. I am water works engineer at present. I have been city engineer for the past twelve years.

Q. How long have you lived in this part of the country?—A. About twenty-eight years in New Edinburgh and Ottawa.

Q. Will you be kind enough to give the committee any information you have respecting this saw-dust matter commencing at the time you first knew the

river and following it up?—A. There are only certain parts of the river I am acquainted with. There is the second bay below New Edinburgh that I know most about. I made a survey of that river front for the Mackay estate twenty-eight years ago, and I remember that bay distinctly, that there were the ordinary water plants and growth along the bay—it was in its natural state and with a good depth of water in it. I do not know what the depth of the deposit of sawdust there is now, but I know that the bay is filled up to the line between two points, and there is a very large accumulation. There is an eddy which works up towards the Rideau Falls above that and I know that that is being rapidly filling up also. I know that opposite the mills in New Edinburgh boats used to come in there at all stages of the water without difficulty, and I now believe at low water it is very difficult for them to come in at all.

Q. You have seen the deposit of saw-dust at the foot of the locks?—A. Yes, I remember a few years ago that boats could not get in there on account of the saw-dust and it had to be dredged out.

Q. Does that trouble prevail at the present time? A. Yes, all the time, especially with prevailing west winds when the saw-dust is blown in there in immense quantities.

Q. Has it had any effect on the water?—A. As you are aware we have had difficulty in connection with the recent epidemic of typhoid fever and we have had analyses made of the water and the anaysts all agree that it came from polution of the water by organic matter, bark, saw-dust and sewage. Apart from that the water is pure.

Q. You give this as your opinion as manager of the waterworks?—A. Yes.

Q. Twenty-eight years ago was there good fishing in the river?—A. Yes, splendid fish.

Q. What kind of fish?—A. Pickerel principally.

Q. How is it now?—A. It is about five years ago since I fished below the Rideau Falls and I did not get any there. I used often to get a dozen in the evening in the first bay when I lived below New Edinburgh.

Q. What size do the pickerel grow here?—A. I have got them three pounds in weight, but they are generally from 6 to 9 inches in length. You very seldom get them large. I have seen maskinonge caught below the falls some years ago, and pike.

Q. Do you know the river from the Ottawa down to the mouth of the Gatineau?—A. Yes; I see that the island opposite Bank Street has been extended down the river some hundreds of feet by sawdust, and the channel between the island and the Quebec side is all blocked up compared with what is used to be.

Q. Have you noticed the large amount of saw-dust and refuse opposite the mill which used to be owned by Batson & Currier?—A. Yes, that is the channel I speak of. It is all filled up. That is the island opposite Bank Street.

Q. From a sanitary point of view, what is your opinion of the effect of this saw-dust being thrown in the river? A. I do not think it can be good. I think it would be a scientific question for analysts. I know the smell of it is bad. We have not got it quite as bad above as it is below.

Q. Can you give us any idea as to the best means of getting rid of these accumulations and preventing further obstructions of the same kind?—A. There would be no difficulty in burning the refuse.

Q. But as to the present deposit?—A. That is another matter. It is quite a problem what to do with it. It is not dry enough to burn. You cannot take it up the same as sand; it would require special appliances to dredge it. I saw the difficulty they had in dealing with it at the foot of the locks. They had to get a special arrangement to pull it out into the current and let it float away. Of course that would go to some other place further down the river. They tried to take up the stuff but they could not dredge it.

Q. I presume it could be done?—A. Yes, it could be done, but it would cost a good deal of money.

Q. Are you aware of any means which could be adopted to prevent further depositing of saw-dust and mill refuse in the river?—A. It could be burnt as it comes from the saws in the mills.

Q. Without incurring vast expense?—A. Yes, without incurring a very large expense. I know three miles down the river which make steam with the saw-dust.

Q. Gilmour's mills, Batson & Currier's and others consumed the sawdust in that way?—A. Yes, they never bought any other fuel; they made the steam from the refuse.

Q. But in the case of water mills they would not do so?—A. They would require a special appliance to burn the saw-dust and refuse. They would require a furnace like the one down at Rockland.

Q. Is there anything else that you wish to state to the committee?—A. I noticed an explosion which occurred during the winter on the ice road from the Queen's wharf over to the Quebec side. It occurred during the night and blew up 50 or 60 square feet on the ice right on the road. If there had been any teams there lives would have been lost.

Q. You did not see it yourself?—A. No, it occurred during the night, but I saw the place the morning and the ice was all broken and sawdust was scattered all round on ice.

Q. The explosion was the result of accumulation of gas?—A. Yes, I have often seen the gas escaping down opposite New Edinburgh in that part of the river.

Here is the evidence of Mr. Lett, who was city clerk for many years, and a great sportsman. He spent most of his leisure hours in fishing, and his evidence is valuable. It is as follows:

Q. You were here before the construction of these mills at the Chaudière?—A Yes; I was here when there was only one single upright saw.

Q. And you have been on the river a good deal during that time?—A. Yes.

Q. Will you give us your experience of the river before the construction of the saw-mills and since?—A. The navigation was never obstructed in any particular before the construction of the mills. Out here where this big bed of saw-dust is now, after you got a little bit from the island, there was 30 to 40 feet of water all the way down, I know that positively, having fished there, from the length of rope I used to have for an anchor. At the foot of the locks, as soon as the deposits of mill refuse unite with the bed of saw-dust in the eddy, the navi-

gation of the canal will be completely blocked. That will be within five years, I think at the outside. I may say at the commencement that I have read Mr. John Arnoldi's evidence very carefully, and Mr. Gray's evidence, both of whom have had good opportunities of knowing all about it, and I corroborate all that they have stated to the committee. They have touched nearly every point that I could touch myself.

Q. You can state your general knowledge of the river before the mills were erected and what you know of it now at different points?—A. The saw-dust is filling up all the bays and eddies and little channels between the islands all down the river, and it very much obstructs the usefulness of the river. The consequence is that in very high water the low lands on the north side of the river between here and Grenville are overflowed some two or three feet every year more than it used to be before the obstruction of the river—the meadow lands and lands of that kind. I did not notice until last summer that a large island was formed in the river just on the other side. I went up there in a canoe one day last spring and discovered this island that I had never seen before. I went over to it and found that it was formed of blocks, edgings, saw-dust and other mill refuse. It seems to me that that island before five years will close in right up against the dock on the far side, and they cannot take a barge there at all. I have not the slightest doubt in the world that unless some remedy is discovered, and that very soon, no steamboat in low water—no tug boat or boat the size of the "Peerless," ten years from now, will be able to go to Grenville at all. It is a difficult matter now in low water.

Q. You used to fish in the river in your early days?—A. Yes, it was one of the best rivers for fish that I know of. Every eddy was full of fish. The fish is a matter of some importance, though it its of little consideration now.

Q. Were there and salmon in the river?—A. No, but there were pickerel, pike, black bass and a great many maskinongé.

Q. Are there any fish in the river above here?—A. Yes, up at the Des Chênes Lake, at the Britannia Rapids, a great many fish are caught still. I live on the bank of the river near New Edinburgh, and there is a little eddy between the corner where Sir John Macdonald's house is and the dock of McLaren's mills: I never had to go further than that to catch fish. I could catch any number that I wanted during the lawful season; now you might fish there for a week and perhaps would not catch two. There were very fine black bass in the river. Over at the north side of the river, where the tall chimney stands, you could catch as many black bass as you wish before the fish were fished out, and while the river was clear. The bottom of the river is covered with saw-dust, and the pickerel, which is a ground fish, and was the principal fish in the river could not remain. It has disappeared. It must have sand, earth or gravel.

Q. The people had sufficient in those days to supply them?—A. It was a matter of very great importance to the people. I suppose there were sixty or seventy thousand people living between here and the confluence of the Ottawa with the St. Lawrence—there are fifty thousand adults at any rate, besides the children and the fish they caugh and benefited by would be worth $2 for each adult for the year over and above what is now, when the river was in good condition.

Q. That is a loss of $100,000 a year alone?—A. Yes, although it is smallest consideration in this matter. The maskinongé is the best fish in the river, or in any, except the salmon.

It is an immense fish and the very best fish. About the gas explosions I have noticed them more particularly when the water gets a little lower than usual. I go out in the canoe every day I can get out after 6 o'clock and spend the time until dark on the river. The gas explosions occur in every part of the river between the Chaudière Falls and Gatineau Point and below that. I have seen the saw-dust rise and the river rise too. The highest one I ever saw was 3 feet, out in the open river, and the saw-dust would spread all out for a circle for at least 100 to 200 feet, and the water would seem as if it were mixed up with mill refuse.

Q. Would there be any danger to your boat?—A. If you were crossing in a small canoe when one of the largest explosions took place, it might possibly upset; with any kind of a good boat it would not. I remember the explosion under the ice which Mr. Surtees referred to. I saw the fragments of the ice lying over the surface of the river next morning. Mr. Henderson told me that there was one of the same kind last year opposite McLaren's mills. The extent of it I do not know. The bay spoken of by Mr. Surtees, called McKay's Bay—at least we call it the Second Bay—is filling with saw-dust. I suppose there must be at least 20 or 30 feet of saw-dust deposited there now. It was one of the most beautiful eddies on the river before it was filled with saw-dust.

Q. I suppose there is refuse of other kinds as well?—A. Yes, mill refuse of all kinds—slabs, sawdust, blocks, &c. Another consideration—I suppose the least of all—is the right that every man has to the free and unobstructed use of that river, even in small boats. The small boat has a right, a minor right of course, as well as the big steamer, and every man that lives on the bank of the Ottawa, ought to have free and unobstructed use of that water as it ought to be, without being obstructed by refuse of any kind. I say so with great unwillingness because, I am disinclined to say a single word adverse to the great enterprise at this city, but I am here to state what I know about the subject.

Q. You say that the refuse from the mills interferes with the small boat navigation?—A. It is an intolerable nuisance to the small boats as it is to the large boats, such as propellers. The saw-dust gets in and does immense damage. It greatly interferas with the right of people to go out in small boats in the months of July, August and September, when the water is low and the current less than it is now; you get stuck then in the refuse. It would take half an hour to get from the shore to the middle of the river owing to the obstruction caused by the mill refuse.

Q. Have you seen those explosions that have been talked of.—A. Yes, I have seen six or seven of them in the same evening. They very often occur when the "Peerless" comes in. When the waves roll in we see the bursts of gas all over.

Q. Do you detect unpleasant gases when passing over the water in your boat—is there a smell from the water?—A. There is when a very large one comes up. You can smell not exactly an odour of

turpentine, but a disagreeable smell; more particularly in the banks of saw-dust if you stir them up here and there—you get a very obnoxious smell.

Q. The water was very low there last year?—A. Very low.

Q. Did you observe the effect of the saw-dust during the time of low water—Did you observe any obnoxious odours from it?—A. I was not very much down where the saw-dust was. I was only once down the river, any distance, and I did not visit the banks until late in the fall when the water got cold, but I know that when the saw-dust is stirred up where it is in deep mounds near the islands, it has a very bad smell.

Q. Should this refuse be thrown into the river at all?—A. No; the nuisance is almost intolerable. Everyone who has got to use a large boat or a small boat of any kind on the river finds it a nuisance.

Q. You consider it an interference with a great public right—the free and unobstructed navigation of the river?—A. I do. It is the chief river of the fifth class, and it stands at the head. Certainly there is no more beautiful river on the continent of America of the same size. The eddies particularly are very beautiful, where very much pleasure was taken by those who had small boats. You cannot get into them with a boat in low water; it is only in high water that you can use them. What we call the Hospital Eddy—that is the name it is known by on account of the cholera hospital being located there in 1832—is completely obstructed with saw-dust. The saw-dust and refuse from the mills on the Gatineau do not come up here, of course, but they are equally destructive to the river with the materials thrown into the river from the mills here. The channel where they run the saw-logs out from Leamy's Lake is almost filled up with mill refuse, and they have to use horses and carts every summer to clean it out. They employ this means and take out hundreds of loads every summer where the channel has been filled up. The late Mr. Lyman Perkins one day made a calculation in my office of the amount of mill refuse cast into the river in one year—that is 15 years ago, and there are a great many more saws going now than there were then—and he clearly demonstrated that one-sixth of every log went into the river, and at that time there was a bulk of 850,000 solid logs thrown into the river every year in saw-dust, slabs and edgings.

Q. From the mills at the Chaudière?—A. Yes; from the mills at the Chaudière.

I now come to the evidence of another gentleman, Mr. Wise, who was a civil engineer and superintendent of the Rideau Canal for many years. He was a gentleman on whose evidence the utmost reliance could be placed. He testified as follows:

Q. You are the engineer in charge of the Rideau Canal?—A. I am.

Q. Will you give us any information you possess respecting this question?—A. The information I can chiefly give is what happens to the navigation at the entrance to the locks. I have been on the canal since 1872. In 1881 the accumulation got so bad that they had to stop navigation, and we had to spend $2,000 there in clearing out the entrance. We did it by a specially constructed machine. We dragged it forward by means of a machine like a big scraper between two barges. There was a windlass to lift it up when it got filled, and we drew it out to where there was about 40 feet of water.

Q. You put it in the water again?—A. Yes.

Q. To do harm elsewhere? A. Yes. Last year we should have had to do the same thing, the entrance was so blocked up, but it was too late to do anything. Next year we will have to do the work if the water is at the same pitch as it was last year. In addition to that we had to dredge a channel 100 yards wide at the foot of the lock, but the refuse at the bottom came in from all sides.

Q. Fell into the cut?—A. Yes, fell into the cut. We had that place all clear then in 1881; now it is all filled up again.

Q. How was the canal in 1872 when you took charge of it?—A. I cannot tell—there was no complaint of it then. We did not pay any attention to it until the navigation was threatened with stoppage.

Q. And the obstruction to navigation is attributable to the mill refuse altogether?—A. Yes, altogether. It is so situated that a north-west wind blows it all into the bay, and it has no chance to get out.

Q. Have not the people who are interested in navigation remonstrated from time to time?—A. Yes.

Q. And you undertook the dredging?—A. Yes, but from 1881 to 1888 it has all filled up again, just the same as it was then.

Q. What was the material composed of that you took up, or carried out into the river?—A. The top part was mostly saw-dust, and then below it was slabs very closely compacted indeed. It was very hard to get the scoop to take it up. It seemed as you got down to get harder and harder. We found them about forty feet of water outside of that. The current sweeps around there, and, of course, it would take the saw-dust away to other places.

The next witness was a gentleman who occupied a farm a few miles down the river, and whose property was rendered valueless by the saw-dust. He was afraid to enter an action, because we all know the mill-owners will defend any action in the courts, and by their financial strength can ruin any poor man who attempts litigation against them. I will show you that in the case of Ratté, to whom the Minister of Agriculture has referred, the lumbermen applied to the legislature of Ontario to prevent an injunction being taken out against them. Ratte and this unfortunate farmer came before the committee to give evidence, and while we may not be able to afford them relief, they should at least command our sympathy, since they have been ruined by this nuisance which has been permitted to exist so long. Mr. Dunning's evidence was as follows:—

Q. You were here before the mills were erected at the Chaudière?—A. I have been back and forwards here for over 40 years.

Q. Give us your opinion about the river as it was then and as it has been since?—A. In those days, of course, there was no saw-dust to be seen. The shores were perfectly clean, the bays were all clean, and there was any depth of water where now they are all full of saw-dust.

Q. I suppose there was abundance of fish in the river then?—A. Yes, there were lots of fish, but, of course, there was not as large an amount of fish consumed then as now, but there was any quantity of them.

Q. Are there any fish now in the river?—A. Not so many now; they are a good deal scarcer.

Q. Could you give us any particulars respecting special places in the river where those obstructions are most noticeable?—A. What obstructs our operations most in running logs, is the refuse at Wright's slide and at the foot of the island here. For the last six years in the summer I have been here and the saw-dust is a good deal higher now than it was six years ago—much higher.

Q. Where do you work?—A. On the river.

Q. You ought to have a personal acquaintance with nearly all the points of obstruction on that portion of the river on which you worked?—A. I just got up the Quio and up the Gatineau as far as the Pêche, but the principal obstruction we meet is at the foot of the slide. Of course it becomes a nuisance when it gets mixed with our logs: it takes six more men than we would otherwise have. We do not want to tow it to the mills because it would sink and become an obstruction to us there.

I now come to the evidence of Ratté, who has been fighting the mill-owners for a number of years, and is a ruined man to-day. I presented a petition from him the other day, which I propose to read before I sit down, in order that the public may understand how little consideration these mill-owners deserve. They have no regard for anybody's rights. They ride rough-shod over everyone, and want to own the whole country. This man Ratté had been engaged in the business of hiring boats for a number of years, and he carried it on successfully until his business was ruined by the saw-dust. Not only has his business been ruined, but lives have been lost through the accumulation of saw-dust about his boat-house. People have stepped on it thinking they had firm footing and have been drowned within a few feet of his boat-house. His evidence was as follows:

Q. How long have you lived here?—A. I have been over 47 years in Ottawa.

Q. You were here before any mills were erected at the Chaudière?—A. The only mill that was in Ottawa when I came here was a small mill run by Burwash.

Q. You have been on the river continuously since you came here to live?—A. Yes, I have been on the river every year.

Q. What was the condition of the river when you first knew it?—A. I have been a boat-keeper here for 38 years. Some of my boats would get scattered away from me and I would have to take a boat and hunt them up. I always found lots of water. I could go ashore any place at all. For the last six or seven years I have to portage the boat at a good many places and sometimes turn back and go round another way. All the bays are closed from Rockland up all the way to the Little Blanche. There is an eddy on the north side and from above Rockland until you get to that bay, between Laroque Island, I used to pass up between the island and the shore with a sail boat. You could not get a bark canoe through that channel now in low water. I tried to get through it with a boat drawing two and a half or three inches of water and could not get through. I had to turn back. That island is two and a half or three miles long and extends from Horseshoe Bay to Rockland. The next island is called Capt. Petrie's Island. I used to sail on the south side of that, between the island and the shore, but that is filled up too.

Q. What is it filled with?—A. With the material cut by the hog and saw-dust. In the old times when the mills first started they used to tow slabs into the river and sometimes three inch plank. If there was anything wrong at one end of them they would throw away the whole length. A good many of them floated into those channels and are there now. Then the material from the hogs filled in on the top of that. Petrie's Island is about two and a half miles long, and in summer in low water you can now walk across the channel where I used to sail up with litte boats. The next big island is Kettle Island. Capt. Williams used to be captain of the "Shannon" and "Porcupine" and he used to run his steamers in the channel on the north side of Kettle Island. It was a good channel then. Now at low water we cannot passed through that channel with a bark canoe. A log will not float through it; the logs stop there. The saw-dust forms a crust on top of the water. Sometimes the wind blows in one direction for some days, and when the wind blows steadily from the north-west for eight or nine days it fills my bay with sawdust mill refuse so that you cannot get to the shore with a small boat. Captain Cook used to be captain of the "Maggie Bell," and one time he tried to start a boom of logs with a big tug boat to tow a boom down the river from Hospital Bay, where I live, but he could not start it, owing to the refuse on top of the water. He had to leave it there.

Q. How long ago is it since that happened?—A. That was six or seven years ago. I saw him from my door. Sometimes I am obliged to anchor a boat out in the middle of the stream and have a rope from my boathouse to that boat to draw the boats out through the mill refuse. They could not be rowed out at all. I have to pull them out that way for about an acre or an acre and a half from my boathouse. I have seen yachts try to land there but they could not get to the shore because of the accumulations of saw-dust.

Q. Did you know the bay when it was deeper? Was it deep before the saw-dust floated there?—A. About 250 yards from my boathouse there used to be 150 feet of water in low water. Mr. O'Neil and I went and inspected that place about five years ago and found only 14 feet of water. Some years the Ottawa rises about ten feet higher than other years, and when that occurs it shifts this mill refuse to other places. Sometimes it goes down the river. Between the Little Blanche and the Big

Blanche, a distance of a mile, at one time there was no obstruction ; now there is a bed of sawdust and sand, the current sometimes shifts that from one place to another.

Q. What depth of water is there in your bay now ?—A. In my bay there is a strong eddy, and the saw-dust is carried into the middle of the bay. It forms a mound in the bottom of the river about 250 yards from the " Peerless " wharf. The water is deep enough where the current is strong. At the foot of the locks there was nothing but gravel in the bed of the river when the locks were built, but the saw-dust has been deposited there by the eddy and the accumulation is growing all the time, the same way as at my bay. Take the Little Island above the ferry. Some four years ago a measurement was taken there and they found that it was so high with saw-dust that it was exposed in low water, and would dry so that the wind would blow the dust from it. They found it hard and solid enough to built on it. Last year the water was very low, yet there was hardly any of that accumulation there, the current had moved it to some other place. Last summer the water was two feet four inches lower than it had ever been known before, yet I could not see any saw-dust at that place. The year before the water was between three and four feet higher yet the saw-dust bank for three or four feet above the surface, so it must have been moved to some other place by the current. I suppose a man ought to have a right to the use of the river with a little boat just as much as if he had a big boat, but I cannot find room for my boats owing to the quantities of saw-dust and material from the hogs that are carried into the bay where my boat-house is. I am quite sure that there is three times as much stuff from the hog as from the saws. If they must throw that stuff into the river it would be better to throw in the slabs and edgings whole, so the people could pick them up along the shores and use them for firewood.

Q. What was the state of the river when you first came here ?—A. There was only Burwash's mill then. There was nothing but bush on the banks then. The river was clean. You could go along by the shore anywhere. There was nothing but clean banks and you could go into any bay or the mouth of every little creek, but if any man can find a creek that he could go into now I am willing to pay him something.

Q. Were there any fish then ?—A. Yes. I knew a fellow that used to fish near the bridge and he would catch a barrel in an hour and a half. It was a great river for catfish at that time and bass too, but especially catfish.

Q. Were there pike and pickerel ? A. Yes, plenty of pickerel.

Q. And maskinongé ?—A. Yes, I remember a fellow catching a maskinonge that weighed 37 pounds. They were caught larger than that.

Q. Was there a large quantity of fish caught then ?—A. A fellow could in ten or fifteen minutes catch as much as he could carry. Opposite my place was a good bay for fish, but now I can fish from morning till night and catch none.

Q. Have any accidents occurred at your place through people walking over the sawdust and thinking it the land ?—A. Yes. I remember once a gentleman who had taken out a boat came in with it with a lot of black stuff in it. I thought it was sand. There had been a burst of saw-dust and enough was thrown up out of the water to fill his boat. My boathouse is hemmed in with saw-dust as tight as can be and strangers who are not acquainted with the river step on the saw-dust thinking it is a part of the boathouse.

Q. Haue any fatal accidents occurred there ? A. Yes.

Q. When ?—A. Eight or nine years ago. A gentleman and two ladies came to the boathouse one time and the ladies disappeared. We could not tell where they had gone, and we found that they had stepped on the saw-dust and got drowned.

Q. Have you had any experience on the river, other than at the boathouse there, as a pilot, as to the depths of water along the river ?—A. Yes, for forty-seven years. I have been on the river all the time for 47 years. Of course I know a great deal because I am hunting for row boats in the bays. As I kept boats for hire they sometimes used to be stolen from me, and I used to go to the little creeks and bays where they would hide my boats to hunt them up.

Q. So that the way in which you found this matter interfered with you I suppose has been practically as owner of a boathouse on the shore of the river ?—A. Yes, the mill refuse has been filling in my bay.

At six o'clock the debate was adjourned until to-morrow.

## BILL INTRODUCED.

Bill (116) "An Act further to amend the Dominion Lands Act."—(Sir Mackenzie Bowell.)

## CANADIAN ORDER OF FORESTERS BILL.

WITHDRAWN.

The Order of the Day having been read

Consideration of amendments made by the Standing Committee on Private Bills to Bill (47) "An Act to incorporate the Canadian Order of Foresters."

Hon. Mr. CLEMOW said : The promoters of this bill are not satisfied with the amendments which have been made in the House of Commons and in the Senate, and they wish to withdraw the bill. I therefore ask permission to withdraw it.

The bill was dropped.

## SECOND READINGS.

Bill (90) "An Act respecting the Oshawa Railway Company."—(Mr. Dobson.)

Bill (81) "An Act to incorporate the Ontario Accident Insurance Company."—(Mr. Lougheed.)

The Senate then adjourned.

## THE SENATE.

*Ottawa, Thursday, 27th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## EXPERIMENTAL FARMS IN THE NORTH-WEST.

INQUIRY.

Hon. Mr. WARK rose to—

Call attention to the unprofitable system of cultivating the soil so prevalent over much of this continent, and ask the Government whether the Experimental Farms, especially in the North-west might not be advantageously used in introducing valuable improvements in the system?

He said: The subject of keeping lands in a proper and fertile condition has engaged the attention of men of experience and practical men of all ages. We know what efforts British farmers make to keep up the fertility of their soil. They not only apply manure on the farm but they also apply lime, and they ransack the whole world for bones and go to the extent of carrying guano from the Peruvian Islands to the mother country to fertilize their fields. They wish to keep up the fertility of the soil so that an acre will not yield less than 30 bushels of wheat, and even at that rate they are unable to compete with foreign countries. They had a very able agricultural chemist 50 years ago, Professor Johnston, whose name was known on this side of the Atlantic before he came here himself. I saw in a newspaper in 1849 that he was about to come to this side of the Atlantic, to Nova Scotia. I was then a member of the House of Assembly of New Brunswick, and I moved an address to the Lieutenant Governor asking him to invite Professor Johnston to visit New Brunswick, which he did. At that time our people were so much engaged in timbering operations and fishing, that agriculture was neglected and it was not uncommon to hear people assert that New Brunswick was not an agricultural country. He was invited because we thought our province could make a good showing in agriculture. I am going to refer to what he said about the United States. He pointed out that at one time they cultivated wheat successfully in the New England States, that when they had exhausted the soil there the wheat growing district moved to New York. Then Ohio took the lead, and the New York farmers found it would be necessary to alter their system. He delivered a course of lectures before the legislature of New York and published a very interesting book called "Notes on America." I want to show the state of agriculture in the United States now so far as the cultivation of wheat is concerned. They have 47 states and territories. In 1893 they had an estimated area under the cultivation of wheat of 34,629,480 acres, an immense extent for one description of grain. The estimated produce of this vast area was 396,131,725 bushels. Now that gave an average of only $11\frac{4}{10}$ bushels to the acre. Deducting the seed from that, it reduced the quantity which the cultivator had to dispose of down to a little less than 10 bushels. I dare say many of you will remember that when the production of gold fell off in California the cultivation of wheat began, and the land was found to be very productive, but in the year 1893, I find that in California the production had fallen to $11\frac{4}{10}$ bushels, just what it was over the whole of the United States. They might have expected that. They went on ploughing and cropping year after year without manuring. They set up their threshing machines in the centre of a field and used a header to go round and cut the heads off the wheat and carry them to the mill, and they burned the straw and went on ploughing and seeding again without fertilizing the soil. I remember reading a little pamphlet published by an Englishman who went to Illinois when it was a new state. He described the fertility of the soil there as being almost inexhaustible. But now, Illinois produces only $11\frac{5}{10}$ bushels to the acre. This exhaustion of the soil has spread over the whole of the United States and has rendered the profit of cultivating wheat undoubtedly very small. Coming to Ontario, I have taken the average of 17 years between 1868 and 1892, and I find the averages ranges, as shown by the statistics collected by the government, from $11\frac{4}{10}$ bushels to $27\frac{5}{10}$ bushels but taking it over the whole of Ontario, the average is $18\frac{25}{100}$. The average of fall wheat is about 20 bushels, and of spring wheat about 15 bushels, but I have given the average of both. That is much better than the United States, but far below what the English farmer expects to derive from his labours. I

took another plan of ascertaining what progress agriculture was making by referring to the exports. In 1867, reducing flour to wheat by multiplying barrels by four, I found we had exported that year 5,000,054 bushels, and we exported last year only 4,963,564 bushels, so that really in 20 years the exports increased only some 36,977 bushels, which does not show we are making much progress. I come now to the system of experiments that they have been making at the Agricultural Experimental Farm. On page 27 of the annual report they showed that they have experimented on 21 little plots of ground on the subject of manure. They have tried different kinds and different combinations of manure on those plots, and I will just call your attention to the results. A plot fertilized with barn-yard manure, well mixed, produced 25 bushels to the acre. Another experiment was with mineral phosphate, 500 pounds, and that acre produced only 12 bushels and 50 pounds. Another lot, No. 9, was manured with mineral phosphate, 350 pounds, and nitrate of soda, 200 pounds and that acre produced only 12 bushels and 10 pounds. Here, then, were two acres, manured with these minerals, which just produced no more than the one acre fertilized with manure from the barnyard. The conclusion come to by a very eminent agriculturalist who tried the experiment in England several years ago, and who had been engaged in experiments for several years, was that the best manure and the cheapest is manufactured on the farm. Now, I think that is the experience of most people. I ought to remark, in connection with those experiments, that number five on this page produced from land unmanured an average in 7 years of ten bushels and 7½ lbs. It would take 2½ acres cultivated in that way to produce what one acre did the other way. What we should endeavour to avoid is cropping the same land year after year without manuring the soil. It is the most unprofitable system that the farmer can adopt, and we should endeavour to dissuade the settlers from the plan of attempting to raise wheat year after year without the aid of any fertilizer. What I have referred to here shows that people should be very cautious about spending their money on artificial fertilizers. It is throwing away money to endeavour to farm land without fertilizers, and unless a system can be introduced whereby abundance of farm manure can be obtained the country must become poor and the soil will become exhausted with no means to restore it. If a proper supply of manure is to be provided, then the system must be changed and stock must be kept. If stock is kept dairying must be introduced, and we will have another export which will be more profitable than wheat, viz., butter, cheese and bacon. Experience has taught already that wheat cannot be carried to market without a very large percentage of waste, and consequently it ought to be marketed in the shape of flour. If it goes out in the shape of flour the bran remains in the country. Farmers when carrying their milk to the creamery ought to bargain for the return of the skim milk in carrying their milk to the cheese factory ought to bargain for the return of the whey. It will enable them to produce pork cheaply and that will lead to another important industry, the manufacture of bacon, which can be carried to market much cheaper than pork in barrels. We will then have the export of butter, cheese and bacon instead of being bound down to the export of flour alone. We would have the farms increasing in fertility by the larger quantity of barn yard manure. I know I am speaking in the hearing of experienced farmers who have paid great attention to the subject, and who, I have no doubt, understand the necessity of fertilizing their farms, and I daresay they have seen with regret their neighbours exhausting the soil by an injurious system of cultivation. I hope we shall hear from them on the subject. I do not know that I ought to resume my seat without referring to an institution existing in Ontario, which has done a great deal to impoverish the land. They have 82 loan companies and building societies in Canada, of which Ontario has 72, Quebec 8, and Nova Scotia 2. Their loans amount to $1,015,000,786. Of that amount $110,116,119 is our yearly contribution. That amount of interest to be paid by the farmers must be a terrible drawback to their success, and the fertility of many of the farms must be reduced by the efforts to pay that interest.

Hon. Mr. MILLER—That is the great province of Ontario.

Hon. Mr. WARK—To look at such a burden on a province is really discouraging.

These societies have now abandoned real estate of the value of $3,298,424 for sale. The men who have abandoned their estates must have struggled year after year to meet the interest, and must have been exhausting their farms during all the time by some means or other to meet that interest. They must represent at least 1,000 farmers who have been struggling to pay their interest and who have at least abandoned their property altogether. I think this is well worthy of consideration as one of the causes why land is becoming exhausted. I ought to say a word about what is desirable—that is, that the model or experimental farms should introduce a system of experiments such as those valuable experiments which are going on here but which are confined to manure. The experiment to which I refer would be in general farming. Lay off a number of fields and the best lesson to give would be to crop one of these fields year after year without manure to see how long it would be worth while to cultivate it. I have seen myself a piece of land from which it was said the first settler had taken eight crops of wheat in succession, and the last was a perfect failure and the cultivation of it had to be abandoned. I have been in a settlement, and heard one of the old settlers complaining that he could not understand why the farmers were not so well-off as they had been a few years before. I saw two of these men leave their farms, they had become so unproductive—farms with a fair quality of land. They let the field go in common, and the buildings rot down, while they went into the woods to make new farms. The secret of their failure was that they did not know that cropping land to excess exhausted it to such an extent that they could not make their living by it. An experiment on one piece of land to show how long it would bring crops until it became unprofitable to plough and sow it, would be of very great value. Then I should like another piece of land to be used in experimenting with rotation of crops. Rotation which is profitable in one part of the country might not be profitable in another. Turnips is a favourite crop in England and Scotland, but ensilage is taking the place of roots. On some land, no doubt, oats would be best in the western country. They are indispensable, but material for ensilage would have to be raised, and wheat would have to be one crop, and such rotation would have to be adopted as would leave part of the farm in hay and part in pasture. They are experiments that would have to be tried, and, instead of raising wheat every year, raise it every three or five years. Stock must be kept on every farm in order to produce enough manure to keep up the fertility. Mixed farming is what is required in that country, and I hope the government will make such experiments as will show the profitableness of pursuing a system of rotation of crops instead of doing, as they have been doing, raising wheat year after year, until the farms will not produce enough to pay the expense of cultivating them. I have shown how unprofitable it has proved in the United States, and that unless we improve our system it will result in the same way in this country.

Hon. Mr. McMILLAN—I do not wish the statement to go abroad that the large indebtedness to which the hon. gentleman has referred is held against the real estate owners of the province of Ontario. The loan companies of the description that my hon. friend mentioned are expressly chartered, and are supposed to be doing business in the interest of parties borrowing money for the purpose of improving their lands and perhaps paying for their property. Moreover, a great deal of that money may be loaned on real estate in cities and towns.

Hon. Mr. WARK—Very little.

Hon. Mr. McMILLAN—Yes, there is a a very large amount in the city of Toronto, I know. Some of the companies suffered on account of the large amounts they had loaned on real estate in the city of Toronto for the erection of buildings there.

Hon. Mr. ANGERS—In answer to the question brought before the House by the hon. member, I may say that a short perusal of the report of my department would convince the House of the endeavours which are made all over the Dominion to protect our own country from the abuses which have prevailed on the other side of the line, and which have led to diminish the fertility of the soil to a great extent. The hon. gentleman has shown that in the United States the farmers have been very imprudent in

many sections of that fertile country in continually cropping wheat from the same fields. One object that the parliament of Canada had in view in establishing experimental farms, was to warn our farmers, the new settlers in the west as well as the old settlers in the east, that they were not likely to prosper if their farming was not done according to the most scientific and improved methods. Our people have taken great interest in those experimental farms. To give you an idea of the interest that our farmers take in those farms, I may say that last year we had 12,000 visitors from different sections of the provinces of Ontario and Quebec. I have attended a number of those visits, which are popularly called amongst our farmers pic-nics, and seen the farmers there and in no instance have I heard complaints, and I may say in every instance I have been told by farmers that all who visited the farm brought home with them some useful information. The experiments have been numerous and varied. They consist in producing new species of oats, barley, wheat and other grains, and in ascertaining the soil best suited for such crops. They consist also in demonstrating by experiment the advisability of adopting rotation in the cultivation of their lands. Their attention has also been drawn to the fact that the most paying, and the safest of all cultivation is mixed farming, where a man does not depend for his prosperity on good prices for any single crop, because if that crop should be a failure he is sure to be unable to meet his obligations. I may say that in Manitoba and the North-west Territories, although the country is an open plain ready for cultivation on entering it, there are considerable difficulties in the way of the settlers there. Wood is scarce, fencing and buildings are expensive and implements have been costly; consequently the people of one section combined together to go into the cultivation of one kind of grain which was then the most paying and profitable, and that was wheat. They required between their farms no fencing or ditching. They kept few cattle, and there were no cattle roving over the country; consequently they dispensed with fences. They needed very few buildings also. They threshed the wheat on the field, and it was brought to the elevator and disposed of there. They could, at first, do nothing else. That was the only way open to them in the beginning. It was profitable in the first years, but of late it has not been so remunerative. Wheat has been abundant all over the world; it has been sent to Europe from South America, from Egypt, and even from India. The result has been to bring down prices so that its cultivation is no longer profitable. For the last two years the government has been endeavouring to direct the attention of the people of that country to the fact that they must divide their energy and go into some kind of mixed farming—keep stock and go into dairying. To teach this new industry to the settlers, the government went to the expense of having travelling dairies, so that they were brought to the doors of the farmers throughout the country. The travelling dairies have gone through the North-west and are in British Columbia to-day, and before long I am quite sure that the people of the west will soon be in a position, while continuing to produce wheat, to have other resources when the price of that wheat is low. We must not judge the farmers of to-day by the standard of fifty years ago. Farming to-day is—not what I might call mere toiling—it is a profession, requiring knowledge. The man who does not study, or read, or follow the experiments made in his neighbourhood or described in books, cannot farm successfully to-day. The endeavour of a country like this—which is an agricultural country after all, owing to its fertility and extent—should be to encourage our young people to become farmers instead of professional men. I have heard the statement made, as a reproach to a class of education elsewhere, that a young man on coming out of such schools immediately returned to the farm. Such schools are, in my opinion, the very best for our children. We were given also on this point a statement to show the income of gentlemen in the liberal professions. They receive on an average from two dollars to two dollars and a-half a day. A prosperous farmer in the North-west or Manitoba, if Providence treats him kindly—if he gets rain in proper times, and if he gets up in proper time, also and works the soil properly—can earn an income twice as large as that of a lawyer. We have known farmers in the North-west and Manitoba to realize over $3,000 net from one year's crop. That is a very handsome income. Therefore all the endeavours the government can make to induce the young people to go into farming, to make that branch a desirable profession, are in the

right direction. Under the circumstances, I hope I may satisfy the hon. gentleman by telling him that the government is endeavouring to act in the sense indicated in his question.

Hon. Mr. BOULTON—I would just like to inform the Minister of Agriculture that in my own neighbourhood a man who had been farming five years, and raised from $2,000 to $3,000 worth of crops annually, has just given up farming and become an insurance agent.

Hon. Mr. McCALLUM—I am very glad to hear the Minister of Agriculture explain to this House how the farmers of this country should cultivate their land and how they should move in the way of rotation of crops. That is very desirable and I approve of it, and I say the model farms are doing a great deal of good; I go further, if they teach people nothing more than how to grow trees, they are a need in that great country, the North-west, where we have not forest enough. When the hon. gentleman speaks of the cultivation of the soil and the improvements of the farms, I think it is proper that they should see that our farms are drained. At present all their action in railway matters is to stop the drainage, and they won't let a farmer improve his land. I hope they will take that into consideration and amend the railway law so as to allow the farmers to settle their difficulties about drains at home, and not bring them to Ottawa before the Privy Council in order that they may get permission to drain their farms properly. That is a consideration which is of more importance than any question that has ever come before this House since I have been in parliament, and my hon. friend who brought up the question about agriculture and the interests of the farming community, will tell us that it is impossible to raise a crop upon land which is improperly drained. You may raise cranberries but you cannot raise grain on wet land. Now as to what has been said of the indebtedness of the farmers of Ontario, I can tell my hon. friends that a large proportion, perhaps one-quarter of them, have money in bank to-day. They are not so badly off; they are progressing, and if the government of this country will give them facilities to drain their lands, they will all be prosperous, I speak of this because it is pertinent to a bill that will be up very soon in this House, and I hope they will amend the railway law so as to allow farmers to settle their difficulties at home. I introduced a bill for that purpose into the House not long ago; it passed the Senate, but was defeated in the Commons, and we may have more to say about drainage in this House by and by.

Hon. Mr. PERLEY—The farmers of the North-west should feel greatly indebted to the hon. gentleman who has brought up this subject and to the Minister of Agriculture. One fault that those people are liable to fall into is that they do not take care of their land. Prairie land is very rich and if there is a proper rainfall will produce a good crop. I am afraid the difficulty a great many farmers are falling into is that they are cultivating the land too much. If a proper rotation of crops is given it will have a beneficial effect to preserve the fertility of the land. Even on the experimental farms of this country they are killing the land, the soil is undergoing cultivation all the time. It is necessary from the start that we should commence a proper system and preserve the fertility of the land, and not have it exhausted at an early stage, because once you exhaust the fertility of the soil it is a hard job to restore it or make it profitable. Therefore, I think the point taken by my hon. friend is a very good one. Mixed farming should be practised by the people of the country and they are not doing it in many instances, I regret to say. As a farmer in that North-west country, I make it a practice not to raise two successive crops on the same land. I summer-fallow it, but there is many a farmer in that country to my own personal knowledge who does not do so. The first year after the land is broken the farmer will take wheat off. They make a point to break the land and prepare it for the first crop,—one of the mistakes they made at the start. They thought any kind of cultivation would bring a crop and so it would with good rainfall; but in some sections, more adapted to wheat growing than others, they break the land and thoroughly cultivate it and have it ready for crop next year they go on, and if there is any rainfall, and in almost any case, they will raise a fair crop the first year; the next year they burn the stubble and put on the seed drill and they raise another crop; the next

year they do the same, and they raise three crops in succession with the one ploughing. It is not necessary to tell any agriculturist that that system must prove ruinous, and I think that the government farms should make it a point to bring it to the notice of the farmer that this continual cropping with slight tillage will ultimately bring ruination upon those people. If they impress that upon the minds of the people who first occupied the land and advise them not to impoverish it in that way, very great good will be done. A man going to the North-west would naturally feel somewhat impressed with the vastness of the country. The land can be ploughed as well as any meadow land in Canada. The early settler becomes a speculator. He says "all I have to do is to sit on my gang plough;" but that has become a thing of the past. It is now the walking plough and they can plough more to-day than in any other part of Canada in the same time. They harrow it and prepare it and when the crop is ripe the grain cut with the binder, and naturally there is a temptation to go into wheat raising because if the crop is good there is nothing that pays better, and in no way can you get the money in your pocket quicker. But if the season is dry, there is nearly a total failure and the wheat will barely pay for cutting and threshing, and then there is hardship among the farmers because they have only one means of revenue. The system to be adopted in that country is a system of mixed farming. A great many of us learned by bitter experience that that was the proper way. Where I reside every farmer has a certain quantity of wheat for sale, a certain number of beef animals for sale, a certain amount of butter, cheese and pork and other products which he brings with him whenever he comes to market which is once or twice a month. He carries on mixed farming, and if the price of some articles is not high he is very certain to get a very fair price on other articles. So on the whole there is a fair average price obtained for farm products. My hon. friend says you do not put a tax on agricultural products high enough. I do not hesitate to say that the farmer is as well protected as any man in Canada. I am a manufacturer and am well protected. I am a farmer just as much as the man who makes the binder that I use on my farm. I till the soil and apply my labour to produce wheat. I can produce wheat, pork or butter from the farm. No manufacturer can do more than that. Therefore, I can properly class myself among the manufacturers of this country and I have, I think, a fair protection. But as far as that protection is concerned, when I undertake to sell my butter to-day in competition with the products of other countries, in the British Columbia market, I am told by a merchant that he can get the best creamery butter laid down at 14 cents a pound from California —good choice dairy butter at 12 cents. Therefore, I say that a little more protection in the line my hon. friend indicates would not be amiss. It was not my intention to make a speech on this question, but the farmers of the North-west are largely now, by experience and intelligent thought, adopting the principle of a system of mixed farming and they do not have their eggs all in one basket. They raise beef, wheat, pork and butter to sell and in that way I am proud to say there is a very great degree of prosperity in that country, and if we do not suffer from any calamity, the North-west will be the most jubilant part of the Dominion this year because the prospect to-day is better than in any other year that I have been in that country. It would be well, however, for the government, through the experimental farms in that country, to bring to the knowledge of the farmers the very great importance of not tilling one piece of land too often in succession. There is where failure will meet us in that country. The land is rich. With a little labour and one ploughing you raise three crops. Many of my neighbours do that, but it is a dangerous precedent to establish, and will be fraught with disastrous results in the end.

Hon. Mr. POWER—The hon. gentleman who has just spoken asked for more protection, and I said that it was the only thing needed to make the farmers prosperous and happy, although the minister seems to think the rotation of crops the best means. Speaking seriously, there was one point which the hon. gentleman from Wolseley referred to which deserves the attention of the ministry. He pointed out that on the experimental farm in the North-west at Indian Head, which is supposed to be under the direct control of the hon. minister, this rotation of crops which he has been speaking of was not practised. The government should see that they not only preach but practice a little; and I

think further, with respect to the experimental farm at Ottawa—and possibly the same remark applies to the other experimental farms—they are altogether too expensive. Those farms, while called experimental farms, are regarded by the farmers as in a great measure model farms. Now, a model farm which costs about four times as much as it brings in—as is the case at Ottawa—is not the sort of farm which is to be held up as a model farm for the farmers of this country. The government might make an effort, now that they have been experimenting for many years with this farm, to make it bring in something nearer what it costs than it has been doing in the past.

Hon. Mr. ANGERS—The hon. member from Halifax states that the experimental farms are too expensive, and that they should be made model farms. Well, that is not the object of the law at all. Is it possible that the hon. gentleman does not understand the difference between an experimental farm and a model farm? If the hon. gentleman understands the difference between the two, he should not calculate that the expense should be the same for both. The experimental farms are not established for the purpose of showing the farmer what amount of money he can derive out of so many acres of land. The farm is there to make experiments,—sometimes expensive experiments: analysis, growing fruit, and experiments of all description. All that, of course, is expensive, and on these farms they get no crop, or just a trifling crop. The cultivation is made in small plots for experimental purposes. You find wheat on one, then a patch of oats, then pease, then potatoes, and so on. There is a great deal of expense in cultivating a farm in such small pieces; and, as my hon. leader suggests, experiments are made in bringing fruits and trees from other countries and ascertaining whether they suit the climate here. So that in dealing with the experimental farms, if you compare them with model farms, you do a great injustice, or you show that you understand very little about the subject.

Hon. Mr. POWER—I think my knowledge of farming is not very far behind the hon. gentleman's knowledge.

## NEW SENATOR.

GEORGE THOMAS BAIRD was introduced, and, having taken the oath, and signed the roll, took his seat.

## THE MANITOBA SCHOOLS.

### MOTION.

Hon. Mr. BERNIER moved:

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate, copies of all correspondence and telegrams that have passed between the government or any member thereof, and His Grace the Right Reverend Archbishop of Rupert's Land, or any body of non-Catholic clergymen or any other member thereof, on the subject of the Manitoba school legislation.

He said: I do not intend to detain the House very long in discussing this motion. I have nevertheless, a few observations to offer, for which I ask the kind attention of my hon. colleagues. I have no exact idea of the form which the correspondence to which I refer may have taken. It would appear, however, by what has transpired elsewhere, that insinuations, or perhaps, assertions have been made to the effect that the Catholics had by the educational laws in existence prior to 1890 some privileges over the other sections of the population. I wish to demonstrate to you that if such assertions have been made, they are inaccurate. We had then but one law and but one school system, applicable to all—to Catholics as well as to non-Catholics. All the schools were public and national schools. To establish that I will quote the words of a man who cannot be suspected of partiality to us. Rev. Dr. Bryce, who has been, since 1890, in the front rank of the supporters of the Manitoba Government in their new educational policy, said in 1877:—

> The separate school supporters in Ontario are viewed in the light of being exempt from the general law which establishes a national system of education. *In Manitoba the Roman Catholic schools are as much national as the Protestant. No special rights are given to either Catholics or Protestants.*

This must dispose of the idea which appears to exist somewhere, that in Manitoba the schools controlled by the non-Catholics, and to which they sent their children, were the public schools, and that the Catholic schools were not public, but separate schools,—that is, an inferior plant grafted upon a big tree. It was not so, hon. gentlemen: we had but one beautiful and noble tree bearing fruits suitable to the taste of the whole nation. It was truly national, affording comfort and relief to all. It is true that we had two sets of schools,

the Protestant schools and Catholic schools ; but these two sets of school worked under the same general law, and under the same fundamental principles, viz., the controlling of the schools by the parents and ratepayers. The term "separate schools" is not even quite accurate, if applied to only one set of these schools. The Protestant schools were as much separate schools to ours, as ours were separate schools to theirs. If, for the sake of convenience, the term "separate schools" is to be used in connection with the Manitoba schools, prior to 1890, it must be used as applicable to both the Protestant and Catholic schools. That was the law, of which I will give you a synopsis, showing that both classes were on the same footing, and consequently had no privilege one over the other.

The law provided that there was to be a general board of education composed of Protestants and Catholics. The Protestants had on that board twelve members, and the Catholics only nine. The Protestants were in the majority ; they were then in a better position than ourselves. If any party was specially favoured in that case, we were not that party. The law provided that the Protestant schools were to be under the control of the Protestant section ; the Catholic schools under the control of the Catholics. There is in this provision no special advantage for one class over the other. The law provided that the examination and licensing of teachers, the selection of text books and the appointment of inspectors, were matters to be dealt with by the respective section for their respective class. How can it be said that in this the Catholics were singled out by a way detrimental to others when the Protestants, as a class, enjoyed the same privileges as the Catholics did? The Protestants had a superintendent with certain duties and privileges, so had the Catholics. Is not that perfect equality? The law provided for official visitors of the schools, amongst others clergymen, the judges and and members of the legislature. Protestant clergymen had no right to visit Catholic schools, but on the other hand, Catholic clergymen had no right to visit Protestant schools. If there is any class legislation in that, were not the Protestants as much favoured as the Catholics? All the judges of the the Queen's Bench and county courts, and all the members of the legislature, had the right to visit at any time, all the schools, Catholics and Protestants. The large majoriry of these exalted gentlemen, the members of the government inclusive, being Protestant, the Catholics were in that respect in a remarkable inferiority, far from being favoured in any way. If they could be said to be singled out, it was to their detriment. The whole school law could be gone over in that way, with the same conclusions. As to money matters, they were provided by the law in an equitable manner. According to clause 30 of the School Act, in no case was a Protestant called upon to pay for the support of Catholic schools and *vice versa*. The government grant was equally divided between the two sections according to the school population, as ascertained by the school census. The members of the government themselves, and they only were empowered to make the division. The majority of that government was Protestant. We may believe then that Protestant interests were well guarded. As to that government grant, Dr. Bryce wrote in 1877 :

> The government grant is voted for one system of schools, and is divided according to the population of children. No special rights are given to either Catholics or Protestants ; all moneys are equitably distributed.

Both sets of schools, or if you like, both classes being equally favoured, it follows that none could be accused of enjoying special privileges. And as the whole population of the province was embodied in these two divisions, it follows also that the interests of the whole people in matters of education were equally, wholly, and properly attended to in their unavoidable diversity as well as in their special features. Considered from that high and broad standpoint, the law in existence prior to 1890, and not the subsequent legislation, is entitled to be called truly national. Dr. Bryce had reason then to say in 1882 in his book : "Manitoba, its infancy, growth and present condition :"

> Lord Selkirk's scheme of perfect religious equality and toleration is that still subsisting in Manitoba. * * * * There is no bone of contention to disturb the prevailing harmony. No church is given any place of precedence.

That was written in 1882, by an eminent Presbyterian minister, who is not at all in accord with our views on educational matters. His evidence must go, therefore, a long way to convince everybody that we were not a privileged people. That reverend

gentleman would have talked without hesitation in quite a different way, if the Catholic church, either in educational or purely religious matters, had occupied in any way a privileged position. Such was the condition of things in 1877 and in 1882. Now the School Act having remained the same until 1890, it follows that the words of Rev. Dr. Bryce are equally applicable to the condition of things existing at the latter period.

Neither section then was privileged over the other. Now, who is responsible for that division in two sections. I maintain the Protestant population is as much responsible as the Catholics? Its action in this respect in the Canadian North-west dates back to the early days of the colony. In the Journal of the Council of Assiniboia, minutes of the meeting of 16th October, 1850, we read :—

Adam Tom, Esq.—A motion for taking into consideration the propriety of granting public money for education.

And in the meeting of 1st May, 1851, the following motion was moved and carried :

That £100 be granted from the public funds to be divided equally between the Bishop of Rupert's Land and the Bishop of the North-west (St. Boniface), to be applied for by them at their discretion for the purpose of education.

In the minutes of the 27th November, 1851, "a petition was read from the trustees of the Presbyterian church of Frog Plain, asking for a grant for education," which reads as follows :—

To the Governor and Council of Assiniboia :—

The petition of trustees of the Presbyterian church of Frog Plain humbly showeth :

That a church has existed for two years on the glebe of said church ; that the said school as not being on the patronage of the Bishop of Rupert's Land, does not appear to have been contemplated in the grant of £50 which you gave to his Lordship in April last for the purpose of education ; that during the latter part of the interval the said school has been placed under the auspices of a duly ordained minister ; that in reliance on his active and enlightened superintendence, your petitioners and those they represent, hope to see the said school raised in some measure to the level of the parochial schools of Scotland.

That, as the improvement of education seems to be more requisite, at least among the Protestants of the settlement, than its mere extension, your petitioners pray that their ministers may receive from the public fund a sum proportional to the £50 as aforesaid, granted to the Church of England, without prejudice to the recognized equality in the premises between the Protestants as a whole and the Roman Catholics.

That request was granted and the following resolution was accordingly passed on the 13th day of July, 1852 :

That £15 be granted to the Rev. John Black, of Frog Plain, for the purpose of education in accordance with the petition of the committee of his congregation.

Carried unanimously.

And in compliance with the principle laid down in the latter part of the above petition, viz., "The recognized equality in the premises between the Protestants as a whole and the Roman Catholics," a further sum of £15 was voted on the 9th of December, 1852, to the Bishop of St. Boniface, for the same purpose ; so as to make things even between the Protestants as a whole, and the Catholics.

The same "equality between the Protestants as a whole and the Roman Catholics" was again accepted by all the Prostestant denominations when Manitoba became a province of the Dominion and enacted its first educational laws. That distinction subsisted without any objection on the part of any of the Protestant denominations till 1890. It must be admitted that the principle of considering the various Protestant denominations as forming one class, and the Catholics as another class, has been affirmed, proclaimed and accepted by the Protestants themselves as a fair and proper classification from the early days of the colony till 1890.

This policy is only in keeping with the policy of the Protestants in other provinces. Take for instance the provinces of Quebec and Ontario, where that problem has been agitated ; there we find the various Protestant denominations willing to form a unit—one class—under the general appellation of Protestants. When Sir John Rose and Sir A. T. Galt, at the time of confederation, were so much concerned about their co-religionists, they did not make any distinction between the different Protestant denominations, but included them all in one section. No wonder that it be so. It is very well known that the clergymen of the various Protestant denominations do exchange pulpits at certain times in the year. This fact, combined with their readiness to unite in matters of education, is for the public more than an indication that in so far at least as this subject is concerned, there is no substantial variance in their views, and consequently, no harm nor injustice done to them,

no violence made to their conscience, when the rule laid down by themselves, viz., "the recognized equality in the premises between themselves as a whole and the Roman Catholics" is embodied in the law. Now that we have shown that there were two classes recognized by our educational laws, and that the Protestants themselves are responsible for being regarded as a whole in the classification, let us see more closely in the new legislation. It is clear that under the old law there was no privilege to any one. But there is at present a privileged class, and the Catholics are not that class. That the old Protestant schools have been continued by the new law, under the same supervision and regulations, there cannot be any doubt to-day. It is generally admitted. Mr. Martin, as reported in the semi-weekly Winnipeg *Free Press*, of the 22nd day of February, 1894, speaking of the school law, said that:

He was himself not satisfied with the school Act, and had never been so. He had made a strong effort to have the public schools, controlled by the government, really made national schools with religion obliterated. He was now more convinced than ever that that was the only school which would be justified as constitutional. It has been urged by satisfied supporters of the Act that none could complain of the devotional element introduced as it was of the broadest nature, but they found that the Roman Catholics had the very greatest objection to this provision of the Act and he was dissatisfied himself. * * It had been said that in the event of his opinions be adopted, our public schools would be godless schools, but by many staunch supporters of the school Act it had been privately admitted to him that the religious exercises practised in the schools at that time were without value. But as a matter of sentiment they added,—oh, as a matter of sentiment perhaps—but he could not understand such an argument. The Roman Catholics had honestly stated that in their belief the two forms of education should go together. The Protestants admitted, on the other hand, that it was impossible to have religious training in schools, and only asked that it be recognized, insisting, however, on imposing their views on others in that respect. Rather than that small amount of religious training should be done away with in the schools, the Protestants said they would prefer the old state of affairs. He would leave it to his audience to determine which was the more honest stand of the two.

A non-political newspaper, the *Commercial*, published in Winnipeg, says:

There is some religious teaching in our schools, and as this teaching is not in accordance with the Catholic church, there is some thing certain that our schools are not Catholic schools. Now, as this religious instruction is not at least objectionable to the Protestants, and in fact we may say some religious exercises were provided for in the new school regulations, in deference to a demand from a section of the Protestants, there is some show for the claim that our schools are now Protestant schools. This of course gives the Catholics an additional objection to our present school system.

The Winnipeg *Free Press* says:

Mr. Martin, the author of the bill abolishing separate schools, has said that he thinks the present schools are Protestant schools * * It is manifestly unfair to insist on religious exercises that one section of parents believe, rightly or wrongly, to be injurious to their children. It is not a sufficient answer to say that no dogma is taught; those who are satisfied with the exercises are not the sole judges of that.

Exactly so, the Protestant divines are not the judges of what is suitable or not to us in matters of religious training.

The *Brandon Mail*, says:

In refusing to patronize schools that employ religious teaching to which they object, the Catholics have taken strong and reasonable ground.

The *Nor'-wester*, says:

The existing system is too repugnant to the most obtuse sense of common justice to be perpetuated for any considerable length of time.

It must be admitted then that the Protestant population enjoys to-day the advantage of religious exercises and training in their so-called public schools which are not distasteful or objectionable to their conscience, while we have not the same privilege—their religious exercises being impossible of acceptance to us on conscientious grounds. Then on account of the change in the laws introduced in 1890 in our province, the non-Catholics form a privileged class, while the Catholics are detrimentally and prejudically singled out. It is no answer to say that all citizens have the same right to make use of the public schools. It reminds us of the fox and the crane—the law spreads an abundant feast indeed, but in platters and bottles where we cannot touch it. To offer us the advantage of the law as it stands is equivalent to saying to us, "Give up your religious views, and we will educate your children." It was known beforehand that we would not give up our religious views. It was known generally, but our board of education thought it their duty to bring the matter more specifically before the government of Manitoba, in the following resolution:

"The Catholics express their opinion that the proposed legislation is:

1. A distinct blow to the natural right of parents of guiding and controlling the education of their

children, assailing thereby the liberty of their conscience.

2. The banishment from the schools of the province of religious teaching which is the foundation of morality and of true domestic and social happiness.

3. A direct violation of the rights secured to the Catholic population by the treaties which determined the entry of Manitoba into confederation, as well as by the federal and imperial statutes creating the province.

The offer to participate in the advantages of the so-called public schools, upon conditions known beforehand to be of impossible acceptance, is wilful and deliberate exclusion; and to compel payment of taxes, and to exclude from participation in the advantages offered in the form of a government grant, is political injustice, because all who pay should share. We pay our taxes, we pay our share of the public funds, in equity we should receive a share of all those funds. When it is refused to us, except on the condition that we surrender our religious faith, it is a confiscation of our property, it is a penalty imposed upon us for not believing in religious matters as our neighbours do. When it is said that the law is not responsible for the effect it has upon us, it is clearly suggested (it has even been asserted) that our religion is responsible. We thought the penal laws had disappeared from the realm, but they are being revived in the colonies, and Manitoba seems willing to take the lead in carrying out this outrageous policy.

In connection with this question, it is often asserted that in allowing religious exercises of a denominational character in the schools, the state is endowing the churches. This is a fallacy, in so far, at least, as the Manitoba schools were concerned. I make here no distinction between the various denominations. I desire to put them all on the same footing. In common with their follow-citizens of other creeds, the Catholics hold that it is not the province of the state to teach dogmas or to give any religious training. This statement, perhaps, almost unexpected by many as coming from me, is, I hope, plain enough. Nevertheless I state also that religious instruction, of a positive character, can and must be given in schools. To authorize and to facilitate religious teaching is not teaching; it is a passive and not an active mission or discharge of duty. And when that is done, the state, in giving assistance to such schools, is not in the least endowing the churches. It pays only for a part, a small part of what it receives from the school, or rather from the parents whose school it is. For the school is not a prolongation of the state, but a prolongation of the family. If the parents could on all occasions, and in every branch, teach their own children, they would have a right to do so, in accordance with the law of nature, without the interference of the state, just as they provide food and clothing for their children. But this being impossible in most cases, especially with poor people, or people in ordinary circumstances, the families, within a certain radius, open a place, called a school, where a teacher, engaged and paid by them, gives lessons to their children, in their name and under their control; and nobody has a right to interfere with that education. And it is not only Catholics who hold these views, but English and Protestant moralists and statesmen also. John Stuart Mill, in his *Essay on Liberty*, says:

> That the whole or any large part of the education of the people should be in the state hands, I go as far as any one in deprecating. It is not endurable that a government should, either in law or in fact, have a complete control over the education of the people.

Chancellor Kent says:

> The duties of parents to their children as being their natural guardians consist in maintaining and educating them during the season of infancy and youth.

Sir William Blackstone says:

> The last duty of parents to their children is that of giving them an education suitable to their station in life; a duty pointed out by reason and of far the greatest importance of any.

Dr. Wayland, whose books have long been standard works in moral science in the United States, and also, in the Protestant schools of Manitoba prior to 1890, if I am not mistaken, says in his Elements of moral science:

> The duty of parents is generally to educate or to bring up their children in such manner as *they believe* will be most for their future happiness both temporal and eternal.

Again:

> He is bound to inform himself of the peculiar habits and reflect upon the probable future situation of his child, and deliberately to consider *what sort of education* will most conduce to his future happiness and usefulness.

Again, he says:

> The duties of a parent are established by God, and God *requires us not to violate them.*

"According to the laws of nature," Wayland says in some other part of his book, "the

teacher is only the agent, the parent is the principal." He does not say that the state is the principal, but the parent. And Wayland continues :

If he (the parent) be under obligation to educate his child in such manner as he supposes will most conduce to the child's happiness and the welfare of society, he has, from necessity, the right to control the child in everything necessary to the fulfilment of his obligations.

Speaking of the teacher, he says :

If he and the parent cannot agree, the connection must be dissolved.

Lord Salisbury, the leader of the Conservative party in England, said :

There is only one sound principle in religious education to which you should cling, which you should relentlessly enforce against all the conveniences and experiences of official men ; and that is, that a parent, unless he has forfeited the right by criminal acts, has the inalienable right to determine the teaching which the child shall receive upon the holiest and most momentous of subjects. That is a right which no expediency can negative, which no state necessity ought to allow you to sweep away.

Mr. Forster, the author of the Education Act of 1870, in England, denied, on a certain occasion that the Act assumed the education of the people to be the right and office of the state. He quoted, in support of his denial, the Act of 1876, the words of which are as follows :

It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing and arithmetic.

And on the same occasion he said :

The state may aid them (the parents) to fulfil, and may compel them to discharge, that duty, but that, except as a penalty for neglect, the state cannot assume it itself.

The right of the parents in matter of education is thus clearly demonstrated to be a doctrine held not only by the Roman Catholics, but also leading men not in sympathy with our religious views. However, in modern communities, it has been the policy of the state, as Mr. Forster says, to aid the parent in the fulfilment of his duty, by a grant of money, and, as I have said on some other occasion, the state has a right to see that its money is not misapplied. But because the state helps education with its money, because it has a right to see that its money be not misapplied, that help and that right do not destroy the right of the parents, nor the fact that the state is receiving, as a return for its aid, more than what it gives. I could here not improperly expand my remarks, and enter into a general discussion of all the advantages, material and moral, that religious education confers upon the state, directly and indirectly. I could insist upon the social results, and the immediate and beneficial effect of a good religious and moral education for governments and the community at large. From that I might draw the conclusion that the state, in allowing the religious teaching and in aiding the same, is simply working in its own interest. I shall, however, confine myself to quoting the opinions of a few leading men :—

Plato said :

Ignorance of the true God was the greatest pest of all republics.

Guizot, the great French Protestant historian, and for several years Prime Minister in France, said :

In order to make education truly good and socially useful, it must be fundamentally religious ; national education must be given and received in an atmosphere religious. Religion is not a study or an exercise to be restricted to a certain place or hour. It is a faith and a law which ought to be felt everywhere.

Disraeli, later on Lord Beaconsfield, said :

I am not disposed to believe that there is any existing government that can long prevail, founded on the neglect to supply or regulate religious instruction to the people.

Lord Derby :

Public education should be considered as inseparable with religion.

Gladstone :

Every system which places religious education in the background is pernicious.

Horace Mann :

We are fully persuaded that the salt of religious truth can alone preserve education from abuse.

The great Napoleon said :

Society without religion is like a ship without a compass, uncertain as to whither it is going.

Of the good effect of religion on society and industry, I may quote the following from the Montreal *Gazette*, of the 5th September., 1893 :

For its population and industrial importance, Montreal has been exceptionally exempt from troubles. Although it has from time to time had strikes in one or other departments of industry, it

has been singularly free from those obstinate and violent conflicts between employers and employed, which have arrayed class against class in other communities. That this is, to a considerable extent, due to the influence of the Roman Catholic church and to the more or less pronounced relations between workingmen's societies and the parochial clergy may, we think, be pleaded without fear of contradiction.

Supported by these authorities, I can safely assert that the state is receiving such advantages from religious instruction that it is but right that it should pay for it. I stand, however, by my first proposition, namely: that in aiding the school where religious instruction is imparted to the pupils, the state cannot be said to endow the churches. And confining myself to a more restricted standpoint than the general one to which I have above referred, I shall, I hope, demonstrate, with almost mathemetical accuracy, by facts and figures, that my proposition is correct. Before doing so, however, I will support my opinion by a quotation from the report of the English Royal Commission, instituted in 1886, to inquire into the elementary education Acts in England and Wales. The 66th conclusion of the commissioners is as follows:

(66). That the state cannot be constructively regarded as endorsing religious education, when, under the conditions of the Act of 1870, it pays annual grants in aid of voluntary local effort for secular instruction in schools in which religious instruction forms part of the programme (page 213 final report).

That is the verdict of a set of men composed of leading statesmen and educationists, laymen as well as churchmen, after the hearing of 151 witnesses, and inquiries upon the educational systems of almost all the countries in the world.

This evidence should go a long way to convince people of at least the plausibility of the grounds we take. But, I will go further and show by figures that, in the province of Manitoba, the government did not give one cent for religious teaching, but, on the contrary, was receiving as a free gift, the benefit of the teaching paid by the parents, not only in religious matter, but partly also in secular subjects.

Let us see first what was the cost of maintenance of the schools and then what was the proportion of the aid given by the state. The average cost of maintenance of the schools was about $425. The average of the subsidy given to each school was $175, that is, less than one-half of the total cost.

Now take the subjects taught in the schools. They are as follows:—

1. Religious instruction in the child's language.
2. Reading.
3. Spelling.
4. Grammar and analysis.
5. Composition.

(In French and English.)

6. Penmanship.
7. Linear drawing.
8. Calculation, arithmetic, mensuration and algebra.
9. Book-keeping, single and double entry.
10. Geography of all parts of the world.
11. Sacred history, history of Canada, England and France.
12. Good behaviour, politeness and becomingness.
13. Vocal music.
14. Useful knowledge, from the most rudimentary to the elements of physics, chemistry, agriculture and astronomy.
15. For the girls, domestic economy, sewing, embroidery, etc., etc.

Out of fifteen subjects, thirteen are secular and only two religious subjects. That is, more than four-fifths of the subjects are of a secular character. Then while the state was contributing to the teaching less than $\frac{5}{10}$ of its cost, it received, as far as the subjects are concerned, more than $\frac{8}{10}$ of the instruction. If we take the time given we will have the same result. Religious subjects were taught as a rule not more than half an hour in the day. A school day was of 5 hours' duration. Half an hour gives a proportion on the whole time of $\frac{1}{10}$. Then while the state was contributing less than $\frac{5}{100}$ of the cost of the school, it received as far as the time was concerned, $\frac{9}{10}$ of that time, which was given to secular training. The state was accordingly receiving, as a free gift, from the parents, as far as subjects were concerned, at least $\frac{3}{10}$, and as far as time was concerned, $\frac{4}{10}$ of the instruction. From the consideration of all these facts and opinions, we must come to the conclusion that one of the greatest fallacies in education is the contention that the churches are endowed when religious training is allowed in the schools aided by governments.

It would be nearer to the truth to say that in disendowing religious education, the state is endowing irreligious training.

In connection with this motion, I cannot refrain from referring to a statement made last year by the Primate of the English Church in this Dominion. He was reported as saying:

It is a matter of regret that the Roman Catholic church in this province (Manitoba) in the effort of

securing specially favourable terms for itself, is opposing even what remains of religion in our schools.

I am sorry to say, with all due respect to the high dignitary of the Church of England who uttered these words, that they are a misconstruction and, consequently, a misrepresentation of our claims and of our sentiments. I do not question the motives; I do not for a moment doubt the good faith of the eminent prelate. In my personal intercourse with him, I have learned to honour him, and I have for his person and for his dignity a deep respect. But his utterances on that occasion are an instance of the easy way in which good men sometimes unwittingly misrepresent us. Those words have been printed and reprinted, they have been circulated all through the country, and as our correction will not, in effect, reach the same parties, we will stand misrepresented, and a good deal of harm will thus have been done to the cause of harmony and of mutual regard. Under the circumstances it is my duty to the Primate of the English Church in Canada himself, as well as to the country and to the Catholic Bishops of the Dominion, whose petition of last year was the occasion of those objectionable statements, it is my duty to all to say that such are not our claims or sentiments and that nothing in the petition referred to could warrant the assertion. That we do not seek for "specially favourable terms," I have fully demonstrated in the former part of these remarks. We only want to return to that situation so correctly defined by Rev. Dr. Bryce in 1877, when "no special rights were given to either Catholics or Protestants," when "the Roman Catholic schools were as much national as the Protestant," when "no church was given a place of precedence," and when there "was no bone of contention to disturb the prevailing harmony," on account of the "perfect religious equality and toleration subsisting in Manitoba" in 1882. Neither do we oppose "what remains of religion" in the so-called public schools of Manitoba; on the contrary we heartily rejoice that so much of christianity yet remains in those schools. It is a gain for which we thank God, but His Grace the Primate himself acknowledges in the same breath that it is too little—"Alas, too little!" he exclaims.

In that we agree with the metropolitan of Rupert's Land. We believe that the mere reading of a few passages of the Bible selected by the state is a creedless christianity. It is not the teaching of religion, because there is no teaching unless the true and intrinsic meaning of a subject is imparted to the student. Fancy an undergraduate undergoing an examination on his Euclid with a general notion of it only. Would not that man be plucked? That kind of religious exercises is nothing but the system deprecated in the following words by Lord Salisbury:

> Numbers of persons have invented what I may call a patent compressible religion, which can be forced into all consciences with a very little squeezing; and they wish to insist that this should be the only religion taught throughout the schools of the nation. What I want to impress upon you is that if you admit this conception, you are entering upon a religious war of which you will not see the end.

Again we say, with the Right Reverend Metropolitan, what Christian reading there is in the schools at present is "too little." We do not oppose that much, but, acting consistently with our principles and our judgment, we urgently pray that a supplement be added to that "too little" already given, so as to make the teaching of religion equal to the requirements of conscience, equal to the requirements of a Christian nation, equal to the rule laid down and unanimously resolved by the General Synod of the English Church, as stated by the eminent divine above referred to, namely:

> That religious teaching in our public schools is absolutely necessary in order to fulfil the true purpose of education and to conserve the highest interests of the nation at large.

Here, let me quote a few words from Chancellor Von Caprivi, speaking in the German Assembly, on school matters:—

> We feel we are living in very serious time amid forces against which we must rally all our resources of defence * * It is certain we cannot dispense with religion in this work. It is beyond dispute that most schools need christianity. The school however, cannot possess this without creeds; it must therefore be connected with the churches whence creeds emanate.

Von Caprivi only draws in these words logical conclusions from a sound principle. Once more, I say, we do not oppose any of the christian features that the schools under the supervision of the advisory board may have, but until that is done in Manitoba, until the needed supplement can be given to that "too little," we maintain without disturbing the schools of our Protestant fellow citizens, and at an extra cost, our schools

where proper and sufficient religious training is given, we cannot help thinking with his Grace, that what is given at present in the schools of Manitoba in the way of religious instruction is "too little." And we fear that, in the course of time, such a deficiency in religious training in our schools would make of the latter what the editor of the New York *Methodist* called once in speaking of the United States schools, "hot beds of infidelity." We want, by persisting in our stand upon this matter, to be worthy of these remarkable words pronounced in the House of Lords, in 1891, by Lord Argyle:

In Victoria, the Roman Catholics had the high honour of standing alone in refusing to pull down in their schools the everlasting standard of conscience. The resistance on the part of the Roman Catholics I believe may be the germ of a strong reaction against the pure secularism, against what I venture to call the pure Paganism of the education of the colony.

With these few remarks, for the patient hearing of which I most sincerely thank this honourable House, I move for the return to which my notice relates.

Hon. Sir MACKENZIE BOWELL—There is no objection to bring down and lay before the House all the correspondence, such as there is, but I am not aware at the present moment that there has been correspondence of any consequence. My recollection is, however, that a letter was received, but I think it was to myself from the Right Rev. Archbishop of Rupert's Land. Speaking from memory, I should say that it is of such a character that there will be no objection whatever to lay it before the House, or any other information of the character required by the hon. gentleman.

The motion was agreed to.

## JAMES BAY RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. McMILLAN moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (87) "An Act to incorporate the James Bay Railway Company."

The motion was agreed to, and the bill was then read the third time and passed.

## INSURANCE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee on the whole on Bill (92) "An Act further to amend the Insurance Act."

In the Committee.

On clause 1,

Hon. Mr. POWER—I wish to direct the attention of the minister in charge of the bill to the fact that there is an omission in the proposed subsection 7. It reads as follows:

7. The statements mentioned in the next preceding section and the statements of Canada business provided for in the first subsection of this section shall be deposited in the office of the superintendent on the first day of January next following the date thereof, or within two months thereafter; and every statement of general business provided for in the first subsection of this section shall be deposited in the office of the superintendent within fifteen days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within fifteen days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided however, that no such statement of general business need be so deposited earlier than the first day of May, nor shall it be so deposited later than the thirtieth day of June next following the date thereof.

I wish to direct the attention of the minister to the fact that in the first subclause, line 24, he has provided for another case which he has not provided for here:

And, in the event of no such statement being submitted to such members or shareholders, shall show in concise form the assets and liabilities of the company at such balancing day and the income and expenditure of the company for the year ending on such balancing day. The blank forms of the statements of the Canada business shall be supplied by the superintendent.

There is no provision made for the date at which that statement shall be submitted. I suppose something of this sort would do; "or if no such statement is submitted to the shareholders, then at the close of the company's business year, or two months afterwards," or something of that sort.

Hon. Mr. ANGERS—The proviso at the end of the clause covers that case "provided, however, that no such statement of general business need be so deposited earlier than

the first day of May, nor shall it be so deposited later than the 30th day of June next following the date thereof." That applies to the statement filed with the department and would also cover the case referred to by the hon. gentleman. It covers all statements. They have to be put in at such a date and not later than the date mentioned.

Hon. Mr. POWER—That is, I think, true, but then I should ask the committee if there does not appear to be a conflict between the earlier part of the subclause and the latter part:

Every statement of the general business provided for under the said first subsection of this section, shall be deposited in the office of the superintendent within fifteen days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is situate, or within fifteen days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs.

That is an express provision.

Hon. Mr. ANGERS—"Provided that in no case shall it be later than such a date."

Hon. Mr. POWER—Supposing the business year ends at the end of the calendar year, this latter part is directly in conflict with the earlier part:

Nor shall it be so deposited later than the 30th day of June next following the date thereof.

Hon. Mr. ANGERS—If the business year ended in January, they would, according to law, be bound to give the statement not later than fifteen days after.

Hon. Mr. POWER—You say it need not be deposited earlier than the first of May nor later than the 30th June. It is all right to say that it must not be deposited later than the 30th June, but why should you say it need not be deposited before the first of May?

Hon. Mr. ANGERS—The law provides that companies that give statements to the shareholders must file them within thirty days after such statement is made. That applies to companies who make statements. There are companies who do not make statements to their shareholders. In that case we say it shall not be later than the 30th June next following the date thereof.

Hon. Mr. POWER—That may be the intention, but it is not carried out in the clause.

Hon. Mr. ANGERS—It seems to me quite clear as it is.

Hon. Mr. POWER—I appeal to the committee if I am not right—if it is not perfectly clear that this proviso applies to all the general statements.

Hon. Mr. ANGERS—The construction put upon this by the officer who is specially in charge of the service agrees with the one I have given to the House, which is this, that when there is a date fixed by a company to give its statement, that statement should be given to us fifteen days after, that when there is no date fixed, they have to send that statement to the department here, and it is not required to be earlier than the first of May, but it must not be later than the 30th June, so that it covers all the cases that can come under the effect of that clause.

Hon. Mr. POWER—I do not undertake to say what the department meant. I am not raising any question about that, but I appeal to any man who can understand the English language as to what it means. I think there is a direct conflict between the proviso and what goes before. The Minister says the proviso was only intended to apply to cases where no statements were made by the companies to their shareholders. Why not limit the proviso to those cases?

Hon. Mr. ANGERS—What amendment do you suggest?

Hon. Mr. POWER—It is for the department to take care of the bill.

Hon. Mr. ANGERS—Then I move that the clause be carried as it is.

Hon. Mr. SCOTT—I have only read the bill hastily. There are two cases provided for, one where the company have a general meeting under their own charter and are obliged to make returns to the government of the country where they hold their charter. In the one case they are obliged within fifteen days after that meeting to send a return to Ottawa to be filed here. There is another case where they have not had a general meeting and have not made up a statement under their charter. In that case they

must send a statement here between the 1st May and 30th June. There is no doubt that proviso would apply to both cases, which creates some inconsistency.

Hon. Sir MACKENZIE BOWELL—The superintendent of insurance says that he referred it to the Minister of Justice who thought that the language covered the point.

The clause was adopted.

Hon. Mr. SCOTT—Hon. gentlemen will recognize that within the last year or two there was very considerable attention drawn to insurance on children, and I think we should add in our schedule the list of what we call industrial insurance take on lives below 10 years of age. The subject is creating a good deal of discussion and a bill has been introduced into Parliament on the subject, limiting the amount. There was pressure brought to bear on insurance companies to extend the amount to be put on children and that was extended, but I think the Minister should draw the attention of the department to the importance of having a special provision as to that, making the companies in their returns show the number of children under ten or 8 or any age they may fix, but it struck me ten would be about a fair age. It is certain that the system has been very much abused, and in the interests of good morals I think it highly important that we should have some such provision added.

Hon. Mr. OGILVIE—In Massachusetts the most strict and careful inquiry that ever was made about that same subject in any country resulted in a report strongly in favour of the insurance of children. It is not perhaps generally understood that up to a certain age—13, 14 or 15—if anything was to happen to the child and it died they got no benefit, but simply got what they paid in, and while the hon. gentleman from Ottawa may be quite right in wanting the returns brought in, I think anybody who has taken the trouble to look into the matter must come to the conclusion that there has been a great deal of talk about the insurance of children which was undeserved and undesirable.

Hon. Mr. SCOTT—In confirmation of what the hon. gentleman has stated, as I understand from the insurance companies, they limit themselves, of their own mere motion, the amount to a sum considerably less than the latitude afforded them under the Ontario statute. So I think it is quite in the interests of all parties that we should know the real facts.

Hon. Mr. ANGERS—In answer to that request, I may state that under the present law the inspector is empowered to obtain from the companies a return showing the ages of children insured by the different companies. The section that would apply to it is section 19. And the attention of the department will be drawn to the fact that the reports should show what the hon. gentleman mentions. I may say that I have since the discussion brought before this House by the hon. gentleman from Hopewell, drawn the attention of the Attorney General of the province of Quebec to the law enacted in Ontario limiting the insurance of children, and he gave me to understand that in his province he would submit to the legislature a law to the same effect. I think before long the other provinces will follow the example, and no evil will result from it. I now hold in my hand an amendment which I thought the hon. gentleman from Ottawa was going to propose, and which I should support myself.

Hon. Mr. SCOTT—I move the following amendment:

That the following amendment be made to section 4 of the Insurance Act, to be designated subsection *a*:—

Subsection *a*—Provided always that before issuing a license to a company, legally formed elsewhere than in Canada, the Minister must be satisfied that the corporate name of the company applying for the license is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise on public grounds objectionable.

Hon. Mr. POWER—I think we should qualify that so as to provide that it shall not be the name of any other company doing business in Canada because there might be a company in England or some where else.

Hon. Mr. SCOTT—I am following the statutes of England.

Hon. Mr. ANGERS—This clause would cover the objection made the other day to a private bill which came before this House, where private individuals were trying to get

an incorporation under the name of the Bankers' Life Association. Referring to the name the other day I made, what I thought, would be taken as a joke. Now, the very fact that that joke created a certain impression shows how important the name of a company is. It only gives force to my argument that men in most cases are deceived by the name.

Hon. Mr. MacINNES (Burlington) from the committee reported the bill with one amendment, which was concurred in.

## THE COMPANIES' ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee of the Whole on Bill (K) "An Act to amend the Companies Act."

Hon. Mr. SULLIVAN from the Committee reported the bill without amendment.

## BANKERS' LIFE ASSOCIATION BILL.

REFERRED BACK TO COMMITTEE.

The Order of the Day being read "Consideration of amendements by the Standing Committee on Banking and Commerce to Bill (26) "An Act to incorporate the Bankers' Life Association of Canada,"

Hon. Mr. LOUGHEED moved that the 49th rule by suspended with regard to this bill.

Hon. Mr. O'DONOHOE—Before this bill is further proceeded with, I think it should be referred back to committee with a view to changing its name.

Hon. Mr. LOUGHEED—This motion does not involve the consideration of the question as to the name, but merely as to publication. When publication appeared in the newspapers with reference to the bill it was not advertised in the various provinces throughout the Dominion, owing to an omission in a certain circular issued by the clerk of the House of Commons. I therefore ask for a suspension of the rule and after that I will move for the adoption of the report, and then the hon. gentleman will be in order to discuss the title of the bill.

Hon. Mr. O'DONOHOE—The motion the hon. gentleman has made it is competent for me to speak of the bill as I do. The name of the Bankers' Insurance Company is calculated to deceive and therefore should not be countenanced by this honourable House.

Hon. Mr. LOUGHEED—I call my hon. friend to order, because there is a notice of motion with reference to the name which will be moved after the House expresses itself on the suspension of the rule.

The motion was agreed to.

Hon. Mr. LOUGHEED moved that the amendments as embodied in the report of the committee be concurred in.

Hon. Hr. SCOTT—Among the amendments is a change in the name of the company. If we adopt those amendments it will compromise the House in taking exception to the tiile of the bill. The title has been amended, and that must be excepted from the amendment which we are asked to concur in.

Hon. Mr. LOUGHEED—With the consent of the House I will put the motion in this way—that the amendments be concurred in with the exception of the amendment with reference to the title.

The motion was agreed to.

Hon. Mr. LOUGHEED moved the concurrence of the House in the amendments made by the Standing Committee on Banking and Commerce to the title, "The Bankers' Life Insurance Association of Canada."

Hon. Mr. SCOTT—I move in amendment that said bill be referred back to the committee with instructions to select another name.

Hon. Mr. O'DONOHOE—That is the purpose with which I started.

Hon. Mr. DICKEY—It will be quite consonant with parliamentary practice that the title be amended without referring the bill back.

Hon. Mr. O'DONOHOE—The correct course is to send the bill back to committee with a view to the substitution of another name for the name inserted here, because I

think we are all proud of the status of our banking institutions and we should allow nothing to be engrafted upon them that would be calculated to mislead the public. The very name here would give this insurance company a sort of credit or weight. It is not desirable that that should be done, and I therefore agree with the motion made by the hon. gentleman from Ottawa to refer the bill back to committee with a view to having the name changed to another, and that the name "bank" or "bankers" be not incorporated with the bill.

Hon. Mr. McCALLUM—As I understand the question, it is not desirable that we should give countenance to this name if we can avoid it, because I know it would have the effect of giving an undue strength to this company in the country; but as I understand the matter, there are two or three insurance companies in the United States that are ready to come into this country and the inspector of insurance here tells us he cannot keep them out.

Hon. Mr. ANGERS—We have amended the law to-day to do that.

Hon. Mr. McCALLUM—Then I was speaking under a misapprehension. What I was about to say is this—if we are to have this name at all, I should prefer one of our own companies to have it.

Hon. Mr. LOUGHEED—The amendment does not keep the company out with a particular name, it simply widens the discretion given to the government in regard to saying whether a company shall come into the country with a name conflicting with the name of any other company.

Hon. Mr. ANGERS—Or otherwise objectionable.

Hon. Mr. LOUGHEED—I hope my hon. friend will not say that the name is objectionable.

Hon. Mr. SCOTT—On public grounds it is.

Hon. Mr. LOUGHEED—Then the hon. gentleman views the matter differently from the people of the United States and England. The hon. gentleman from Alma said he was unaware of any other company with a similar name. In deference to the wishes of the promotors of the bill, and in explanation of their action in asking that this name be given to the company, I may mention the fact that in the United States and in England there are various companies bearing this appellation. In England there are two companies, one known as the Bankers' Guarantee, Limited, and the other Bankers' Guarantee Insurance Company, doing a large business in Great Britain. So far as I am aware, no such objection has been raised to the adoption of those names by the companies to which I have referred, as appears to exist in the minds of the hon. gentleman in this House. It did not appear from the action of the Committee on Banking and Commerce of the House of Commons and also the House of Commons itself that the objections which weigh so seriously here in the minds of hon. gentlemen weighed with the more popular body in reference to this particular company. In the United States where insurance is carried on to probably a higher degree of excellence than elsewhere there are no less than 6 or 7 companies with a similar name doing business. With the permission of the House, I will enumerate them:

The Bankers' Insurance Association of Des Moines, Iowa

The Bankers' Life Association of St. Paul, Minnesota.

The Bankers' Life Association of Kansas City.

The Bankers' Life Association of Illinois.

The Bankers' Life Association of Lincoln, Nebraska.

The Bankers' Life Association of New York.

For ought I know, there may be other associations on the continent doing business under a similar name. Why should such apprehension exist in the minds of legislators in this House, when in so conservative a country as Great Britain, we find companies doing business under this particular name? I mention this fact in vindication of the action taken by the promoters and in justification of their application to Parliament that they should assume this name. My hon. friend from Ottawa yesterday took the liberty of saying that we were perpetrating a fraud on the public in permitting any company to adopt this name.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LOUGHEED—My hon. friend's olfactory organs may be more sensitive in

detecting a scent of fraud than those of others, but I fail to see how fraud is attempted on the people of Canada because we give a company a respectable name. I have sufficient confidence in the intelligence of our people to believe that they will not be deceived because a company has this name or that they will associate it with the name of some institution which has no connection with it. Will my hon. friend say that any intelligent man seeking insurance and looking at the name of this company will conclude that it is a company run by the banking institutions of Canada? I will hazard the opinion that there is not an intelligent man in the Dominion of Canada who can possibly think, that because an insurance company adopted this particular name, it necessarily follows that it is an institution doing business under the patronage of or in connection with the banking institutions of Canada. The amendment proposed by the hon. member from Ottawa, and apparently accepted by the government, to the General Insurance Act, will not obviate the difficulty mentioned by the hon. member from Monck. If any insurance company coming from the United States, or from Great Britain, should ask for a license to do business in Canada, I apprehend that the Department of Finance at once, seeing that the Government of Great Britain or of some State in the United States, allowed the company to adopt this particular name would likewise permit them to do business in Canada under that name. Will any one tell me that when an application is made by a company for a license that the government could with justification say to them "this name is infringing on the banking institutions of this country, and notwithstanding the fact that the government of Great Britain allowed you to use this name, we will not permit you to use it in Canada?" Could such a course of reasoning be adopted by a department of this government on an application for a license made by a company duly authorized by a foreign government to do business under a similar name? There should be strong and reasonable grounds before this House permits this name to be rejected, and unless you pass an Act of Parliament expressly precluding Parliament in the future from granting this name to any company, in the very near future there will either be a company incorporated by Parliament to do business under this name or license will be granted to a foreign company to do business under this name in the Dominion.

Hon. Mr. OGILVIE—Perhaps the hon. gentleman will tell me how many companies there are in the United States with that name?

Hon. Mr. LOUGHEED—I mentioned the number, but the hon. gentleman was not in his place at the time. I am glad the hon. gentleman has just come in. My hon. friend the other day took occasion to say that he was very familiar with the names of the various insurance companies in the United States, and was unaware of any company of any standing doing business under this name. I have taken occasion to make inquiries and find that in Great Britain there are two companies and in the United States six companies doing business under names similar to this.

Hon. Mr. SCOTT—Will you say that none of those companies originated with the banks—that is the whole point?

Hon. Mr. ANGERS—In answer to the statement made by the hon. member from Calgary that in the United States there are six companies and in Great Britain two companies doing business under the same name, I want to point out the fact how very catching that name must be. Why would there be six companies doing business under that very name in the United States if it was not a catching name? The idea of the House is that we should not sanction the use of a catching name to deceive the public. If this institution was to be carried out by bankers there would be no objection to incorporating it, although it is for the purpose of life insurance, but if there are no bankers connected with the company why should Parliament allow the name to be taken? It is said that in England Parliament has allowed the use of the name and would the Department of Finance here be justified in refusing to give a license to an English company under that name? If the Parliament of England has incorporated a company to do life insurance business under that name, I assume that the association must be a bankers' association, because I do not think the Parliament of England would allow the people of

that country to be deceived by a name, nor should we do so here. In the United States if they have incorporated companies under that very name, I hope they have been influenced by the same motives—that they must be really banking institutions who intend to carry on the business of life insurance.

Hon. Mr. LOUGHEED—I said they were insurance companies, not banking institutions.

Hon. Mr. ANGERS—If they allow them to take that name, they must have been bankers or banking institutions that wanted to do a life insurance business. If not they have deceived their people, and I think they have from the fact that six companies have assumed the name. Should we allow the same thing here? That is the question. I do not think the House would oppose the name in any way if this life association was to be carried out by bankers, but we find out that there is not a banking institution that has one cent of capital in it, and we are asked to lead our people to believe that this company has accumulated capital and is one of the wealthy institutions of the Dominion. That is the only objection to it, and to-day in accepting the useful amendment made by the hon. member from Ottawa to the Insurance Act, the government will have in its hands sufficient power to refuse a license to a foreign company with an objectionable name; I think such a name as the one proposed in this instance is an objectionable one.

The motion was agreed to.

At six o'clock the Speaker left the Chair.

## After Recess.

## FISHERIES ACT AMENDMENT BILL.

DEBATE CONTINUED.

Hon. Mr. CLEMOW—At the adjournment yesterday I was reading the evidence of Mr. Ratté, who owns a boathouse and whose business has been very seriously interfered with. He is the gentleman who presented the petition to which I have referred. Then there is the evidence of John Heney, "honest John," who knows a good deal of the river and has given us some valuable information respecting it:

Q. How long have you resided in Ottawa?—A. Since 1844.

Q. You have known the Ottawa River for all that time?—A. Yes.

Q. Are you engaged in the forwarding business?—A. Yes, we have sent boats the last fifteen or twenty years up and down the river, chiefly for cordwood along the river.

Q. Please state to the committee what you knew about the river forty years ago, its condition at that time and any illustrations that you know of that would show more clearly the condition of things at that time as compared with the state of the river at present?—A. The river was navigable mostly in every part forty years ago, and at that time we had a fair share of water, and as for fishing and the like of that it was all right. We had nothing to interrupt navigation at the time. At that time there were not many mills, only one or two small mills at the Chaudière. The creeks were all clear, and you could sail where you liked through them and through the coves all round the river here. In any kind of fair water you could go where you liked, and now that is not so.

Q. Could you state any particular points of the river that are injured?—A. The part that I have noticed more particularly, because my business leads me to remark it, is at the foot of the locks. At low water it is almost impossible to go in there unless you run the risk of breaking your tow lines. It has been three or four times dredged out to my memory.

Q. I believe you had a dredge working there?—A. Yes. That year the water was low and we could not get into the locks, and the government employed the dredge for a certain number of days to clear the channel out. We cleared it out in a sort of a way for the time and left it so that boats could pass in and out, but it filled in immediately again.

Q. What was the nature of the stuff you removed from it?—A. Pretty much saw-dust and slabs and rough stuff.

Q. Mill refuse?—A. Yes, there was bark and saw-dust, slabs and edgings.

Q. What depth of water was there when you first knew it?—A. There must have been 15 or 20 feet of water at the foot of the locks when I first knew it. I never measured it but from the bottom of the locks there must have been a good depth of water at the approach.

Q. No more than 15 or 20 feet?—A. I cannot say I measured it, but there was no interruption to navigation going in. I never had occasion to measure it.

Q. Did you raise the refuse when you dredged it?—A. Yes, we took it out altogether and brought it out to a point where the current took it away. Since that there was a new plan got up to drag it out to the channel where the current would take it. We took it out of that altogether into the strong current where it was washed away.

Q. Do you know anything about the fishing in that river in years gone by?—A. Yes, there was lots of fish in it when I first came here.

Q. Are there any now?—A. I do not think there are many.

Q. Of all the refuse that you say settles there, which is the worst?—A. I think the sawdust is the worst.

Q. Have you paid any attention to the gradual accumulation of saw-dust and refuse the last few

years?—A. Yes, and everybody that has seen it has remarked it.

Q. What do you think is the cause of the fish going away?—A. I cannot say what is the cause of the fish going, but they say they clear away according as the creeks that they used to go into are filled with sawdust. I do not know myself, but I have heard men of experience say so.

Q. You have seen this large amount of saw-dust on the other side of the river?—A. Yes.

Q. And you have seen the explosions that occurred there?—A. No, I did not see them, but I have heard of them often.

Q. Do you know any instance of those explosions occurring in your earlier days?—A. No.

Q. Only since this sawdust has collected there?—A. Yes, that is all.

Q. In your opinion this obstruction of navigation is owing to the saw-dust and mill refuse?—A. It has contributed a great deal towards it, I am sure of that.

Q. You said you did not know exactly what the depth of water was at the locks in the early days? A. No.

Q. But still you had amply sufficient for your purpose?—A. Yes, I heard two complaints about it. Mr. Hutchinson knows every inch of water that has been there for the last twenty years, but I never had any occasion to measure it.

Q. What do you suppose will be the effect on this river if the practice of throwing in mill refuse is allowed to continue?—A. We will have no navigation at all in any parts of the river.

Q. That is in low water?—A. Yes.

Q. Do you think it has an injurious effect as far as the health of the city is concerned?—A. I cannot say as to that.

Q. You know that we had a good deal of sickness in this city last fall?—A. Yes.

Q. When you refer to the difficulty at the time of the dredging at the foot of the locks was the water not very low?—A. Yes.

Q. Was the water not lower last year than it has been known at any time during the past forty years?—A. It was very low last year.

Q. What is the depth of the water at the foot of the locks?—A. This last few years my boats coming in there cannot load to 5 feet—they used to be stuck in this rubbish coming in loaded at 5 feet.

Q. Do they stick at any other point coming up the river?—A. No, not until they come to the foot of the locks.

Q. Is there not a large forwarding trade in lumber from the saw mills of the Chaudière on that river?—A. Yes.

Q. Have you ever known of the main channel of the river being impeded in any way by deposits of this material, or is it only in the bays or shoals? A. I saw Captain Bowie's boat stuck in the main channel coming up.

Q. When was that?—A. That was a few years ago.

Q. I suppose she is the largest boat that plies on that river?—A. She does not draw the most water, I do not think she draws as much water as our forwarding boats do.

Q. Was it not in sand that she stuck?—A. Sand and sawdust.

Q. That was on a bar?—A. It was a bar in the middle of the river below the island.

Q. Have you ever heard of any place on the river that required dredging except at the mouth of the canal?—A. Yes, we were called upon to go and dredge in this same bar in the channel and we found sawdust and sand in the channel about the centre of the river at Kettle Island, that vessels could hardly pass over, that is near the centre of the river, in the mid-channel. The island stands in high water pretty near the middle of the river, but in low water it is more to the north of the channel.

Q. Was it not between the Quebec shore and the island the steamer was stuck?—A. No, she does not go in the Quebec channel at all; she keeps the Upper Canada side, and when she approached the upper end of the island she stuck on the bar there that runs out from the island and we were called upon to dredge it and we found both saw-dust and sand mixed in that part.

Q. It is your experience that after the high water these deposits dissapeared somewhat?—A. I never remarked whether it was the case or not.

Q. Did you ever take any soundings of any part of the river?—A. Never in my life because we worked away until the stoppage of navigation the best way we could and I never took any soundings.

The next witness whose evidence I will read is Mr. T. C. Keefer a civil engineer, known throughout the Dominion as a very practical and scientific man, who has had a good deal to do with the improvement of this river at various places, and is quite competent to form an opinion. He used to store logs in a bay below Rockliffe and since this saw-dust nuisance was created the bay has become perfectly useless:—

Q. How long have you been here?—A. I have been in Ottawa continuously since 1864, but I came here first in 1845, and remained a number of years here.

Q. Will you please give us the benefit of your experience as to the conditions of the river at that time as compared with the present?—A. When I first came here it was before the era of sawmills altogether. There were no commercial mills. When I returned here to permanently reside in 1863 or 1864 I purchased a piece of property below Rideau Hall Bay—the next adjoining bay. The shores were then entirely clean—rock, sand and gravel, and the beach sandy and gravelly. The bay was used for storing sawlogs. They could be floated in there and got at any pitch of water, and floated out again. One year the Gilmours, on the Gatineau, rented that bay from me for that purpose; but of late years it has not been available to any extent because of the desposit of saw-dust.

Q. What was the depth of water there when you first bought the property?—A. The water was all depths. It began at the shore and went out to forty feet, but some years ago—probably ten years ago—I examined it, and at that time there was a deposit of several acres of saw-dust out in front of this gravel beach, and the outer edge of it was steeper than an ordinary sand bank, and forty feet in depth. I also built a road down at two points

on this bay to get access to it to haul out cedars and building timber; but except at very high water I cannot approach within two hundred yards of the roads on account of the deposit of saw-dust, and the boathouse I had there is useless from the same cause. It has not been used for several years. In fact it has been abandoned. The only place where we can get access to the river is on the rocky point where the current is strong, opposite Rockliffe ferry. Then below Rockliffe, at Hillman's mills, there was another bay, a valuable storage place for logs, and that is in the same condition at low water. There are acres and acres of it, just a mass of rotting saw-dust, that you cannot walk on without sinking to your knees.

Q. Is that bed of saw-dust exposed at low water?—A. Yes, it is several feet out of water in low water, and all through the winter.

Q. Are there any other points on the river with which you are acquainted that have been obstructed by the saw-dust and refuse?—A. I have not examined any other part of the river. This point I am speaking of, McKay's Bay above the Government bay is in the same state—in fact it extends over a mile and a-half of frontage from the New Edinburgh mills to Hillman's mills below Rockliffe, all in the same state.

Q. Have there been any explosions in that part of the river?—A. I have seen explosions when boating on the river, but I do not know that I have seen them in any of those places I have spoken of. I have seen them up nearer to the city.

Q. Are they dangerous to boats?—A. If a boat happened to be very near them—a canoe or light skiff—some of the explosions are serious enough to upset them.

Q. You were employed by the Government before the saw mills were constructed?—A. Yes, in 1845 when I built the slides at the Chaudière, that place was all covered with green cedars; and it was only after that, when the Honorable Mr. Merritt came into power that this water power was put in the market. The government had held it as a reserve up to that time. That was in 1850.

Q. And all those obstructions in the river that you complain of were caused since the erection of those mills?—A. Yes, as far as my observations in the lower part of the river go, it has all been caused since 1864 or 1865. I forget when the mill first became important on the river. There was no commercial manufacture of lumber on the river when I first knew it. There was just a couple of local mills at the Chaudière.

Q. Can you give us an idea of what the effect on the river will be if this deposit of mill refuse continues?—A. I have no doubt that the annual freshets will assist to keep the main channel clear, especially with the aid of a little dredging at the bars; but gradually, if this thing continues the bays will fill up. Saw-dust floats, and a large proportion of it is blown into the bay and cannot get out, and remains there until it rots. The bays are nearly all as full as they can be. The remainder must settle in the channel somewhere or another—that is in the deeper portions of the channel, and as it levels them up it must begin to contract the remainder of the channel, so that it is a process which will hinder navigation some time or another. The only point about it is, that it is of a character that the paddle wheels or screws of a vessel can work in it, and they will wallow a hole in it and wear through in time. It is not like a sand or mud bar.

Q. Have you noticed the effect of the hogging process on the refuse? Does it not sink through to the bottom?—A. That binds the saw-dust and makes it more solid, and less likely to change its place, or for the current to act upon it.

Q. Have you any knowledge of the effect it has had upon the fish?—A. I know that fish are very scarce; we cannot get any now.

Q. How was it in the early days?—A. They were very plentiful then. I do not think any respectable fish would come up here now. The shad used to come up in my early days to within 18 miles of Ottawa.

Q. Is it your experience that those deposits you have described are gradually extending?—A. Yes, they must; there is so much saw-dust going into the river, and I do not think it will be carried over the Long Sault rapids or down the river. When it fills up all the bays, it must then fill in the channel in the course of time. It is merely a question of time and the extent of the sawing, whether lumber gives out before the channel does.

Q. A few miles below Ottawa, where the river widens out, the current is not very strong?—A. The current is very strong down below the mouth of the Gatineau; then the river widens out, and it is shallower with sand-bars. Gatineau village is built on the delta at the mouth of the Gatineau river.

Q. Can you give us an idea of the possibility of disposing of the saw-dust in some other way without incurring large expense?—A. I do not think burning is a very expensive process, except the getting of a site for it in this place. The ground is so occupied that it will be necessary to diminish the piling grounds at the mills, or to construct furnaces at the river's edge. I do not think there is any difficulty about it. The expense of the plant necessary would be very slight. The appliances for getting it from the saws and taking it to the furnaces would be the principal question. The saws are not probably high enough above high water mark to convey it readily to the furnaces, but I have never looked into the question to see how furnaces could be used.

Q. Is it within your knowledge that saw-dust can be converted to some other valuable purpose besides fuel?—A. Yes, it has been used for paper pulp, and it is also used in connection with petroleum for patent fuel.

Q. Did you ever try it for bedding for horses?—A. Yes, we have forty horses here for the street railway, and for the last 18 years we have used no other bedding but saw-dust. I consider it the very best material for stables.

Q. Have you ever considered whether it has any ill effect on the health of the locality, where this mass of refuse is allowed to accumulate?—A. When the epidemic at Ottawa last year was ascribed to the water, I was satisfied that it could not be the cause. The Ottawa River flows with a strong current, and is decanted from a series of lakes above here, and no water could be in a better condition, unless it could be poisoned by mills above here. I have not examined the amount of saw-dust deposited in the river above Ottawa, but I do not know of anything to poison the water in any way. It would have to come in contact with decayed saw-dust for a long time to produce that effect. The doctors

ascribed the epidemic to the water, because it was o universal that they could not ascribe it to any .ocal cause ; but I think that as the water is not used generally by the people except in a boiled state, and the air is used by everybody, I think the air is where we should look for the cause of the difficulty. Ottawa is peculiarly situated to be affected by its atmosphere, in the dry summer, such at last summer was especially. It is almost entirely surrounded by water, and most of that stagnant water. There is on the south-west Dow's Lake ; then there is the Rideau Canal, and its filthy gullies, and the Canal Basin, and the Rideau River which about its mouth is a dead pond which is used to receive the water of the by-wash ; then on the north we have the river with its vast mass of saw-dust along its banks, and when that is left dry and exposed to the heat of the sun, if anything can affect the atmosphere that should do so. We know that in water reservoirs the water is poisoned under the same circumstances by allowing vegetable matter to accumulate so that it is necessary at times to deepen them and lime them, and every .own supplied with water by gravitation has that difficulty to contend with.

Q. Did you ever consider the practicability of removing those deposits ?—A. I do not see any way of removing them unless they can be dredged. I think that when you get inside, away from the fresh deposit, the bank is so solid with its mixture of mud and slime that it would be dredgeable material. The outer side would be loosened and scattered, and the only way I know of would be to keep dredging at it during a high water when there is a strong current and keep sending it down the river.

Q. Would not that lodge down below again ?—A. You would have to keep it moving wherever it stopped.

Q. If it is an injury here it would be an injury below ?—A. It would be spread over such a large area in the lakes below, that it would not be so injurious. But, of course, there would be no use in doing that unless you stopped the practice of throwing the stuff into the river from the saw mills.

Q. Do you not think that would be the most effectual way of stopping the deposits ?—A. That would be the necessary way. If it were scattered by dredging, and all put below water it would soon disappear entirely. It is the exposure of these deposits at low water to the action of the atmosphere and the heat of the sun that affects the health question.

Q. But the depositing of saw-dust in the river must be stopped ?—A. Yes, I believe it is a great folly to be removing it at one end, and supplying it at the other.

Q. You speak of there being no saw-dust in the river above the city, I believe they are not allowed to deposit any saw-dust in the river above the Chaudière ?—A. I have not visited any of those mills, but I understand that the old Skead mill is a steam mill, and so is the one at Masons ; and the Water Works Act prohibits anything of that kind from being deposited in the river six miles above the Chaudière. The saw-dust from Hillman's mill is not put into the river. It is only where they have water to carry saw-dust and refuse into the river that the mill owners send it there. A steam mill can get rid of it cheaper by carting it out and burning it than by putting it into the river. It is to the steam mills we look for our supply of saw-dust generally, because they have piles of it, but at the water mills you can only get it while they are sawing.

Q. Do not the steam mills burn all their saw-dust ?—A. Yes, at Gilmour's mill down here they burn all their saw-dust, and at Edwards's mills at Rockland their saw-dust is burned. There is no difficulty with the saw-dust in the steam mills ; they burn it, and that is the only way to deal with it economically when it is not thrown into the river. Of course if you could market it—manufacture it into anything that would sell—it would be better, but I doubt if it would stand the cost of freighting it away from here.

Q. I think you said that if the sawdust banks were dredged and the stuff was once moved out into the current, it would go down the river. Could its motion be controlled in such a way as to allow it to be deposited in some place where it could be more easily removed ?—A. My idea is that if you dredge the face of these banks, which are forty feet deep in some places along the river, into a certain distance, then you would find the saw-dust would be solid enough, mixed as it is with river mud and silt, to be loaded on to scows in the usual way as dredged material. Then it would have to be dumped in some way into deep holes in the river, or carried on shore, which would be expensive. I think the proper way would be to dredge out the bays and scatter the material over the river, removing it from the channel, wherever you found it encroaching. Of course where it is mixed with sand or any material that could be lifted in the dredge bucket, it could be scowed off. If it goes on as it is now there will soon be no part of the river to deposit it in. Of course some parts of the channel are very deep. Opposite the mouth of the Gatineau it is seventy feet deep, but when you get below Kettle Island it is not more than five feet in low water. If this stuff were levelled over the bottom between here and the Gatineau, and the banks were cut down to a couple feet below water line, so that no lowering of the river would expose it to the action of the sun and atmosphere, it would cease to be dangerous to the health of the city.

Q. Do the city authorities permit the depositing of stuff from the yards on the ice in the winter —night soil and yard rubbish ?—A. I do not know what they are doing the last year or two ; but it was a common practice until very lately to deposit such stuff in front of these buildings from the Queen's Wharf and on the Rideau, the ice used to be covered with it in the spring of the year.

Q. From Hull or Ottawa or both ?—A. From both sides. I have seen it going down from this city, but I do not remember exactly when. Of course, before the main sewer was built, and the waterworks were built, it was all disposed of in that way.

By Honourable Mr. Botsford :

Q. Where does the main sewer of Ottawa empty ?—A. Through Maclaren's mill yard below Sir John Macdonald's residence. The main sewer leads into this valley directly down from here—between here and Maria street goes under the canal, and through Lower Town on the line of the old by-wash, through Queen street and then straight out into the Ottawa river at Maclaren's lumber yard.

Q. Mr. Gray in his evidence says there are large quanties of sand mixed with the saw-dust in these deposits, but if the shoals are filled up and the bays along the river are filled up, I suppose that would only make the current in the main channel all the more swift?—A. No, it would not affect the current in the main channel. A bay with dead water is pretty much the same as a channel without bays.

Q. If the bays were filled in, and the same quantity of water having to go through more rapidly than if the bays were not filled in?—A. The bays are not the channel. They are out of the line of the channel, and if they did not exist at all the channel question would be the same except that the water as it rose would have a little of the surface of the bay to relieve it and it would not rise quite so high as it would if there were no bays.

Q. Not having the bays the water would be a little higher and be more rapid?—A. Yes.

Q. So far as you have been able to gather, the main channel has not been materially lessened by that deposit?—A. Not from what I have observed. In fact I have not observed it at all. It is only from the examination of the bottom of the shoal places that you can tell whether the saw-dust is encroaching on it or not.

Q. Don't you think that from the class of material thrown in, a current of four or five miles an hour would naturally keep it in motion?—A. If it were fresh, but if it sinks and becomes mixed with the silt and mud of the river I don't think the current would start it. It would carry it off if it were turned up by a dredge or paddle wheel or screw.

Q. Supposing a scheme for the burning of the saw-dust here were to be undertaken, would it be necessary to remove the saw-dust as it was made to a distance from the city or would it affect the insurable property of the city if it were consumed here near at hand?—A. That is a queation you would have to ask the insurance companies. What I would say is it ought not to affect the insurance at all, for of course the furnaces would have to be places in a safe position and constructed so that there would be absolutely no danger from them. So I do not see any difficulty in that. It is just a question of the space the furnaces would occupy and the expense of bringing the material to the furnaces.

Q. How high up does the tide affect the Hudson?—A. It affects it up as far as Albany, although the water is not salt.

Q. Would not the sewage of the Hudson affect the fishing?—A. No, I think the sewage would attract fish. It is the saw-dust that gets into their gills that interferes with the fish. Sand has the same effect. That is what drives fish away, any impurity in the water that gets into their gills; but as for sewage anything that enriches the water I think they rather like.

Q. The permanent injury that you refer to on the Ottawa from the saw-dust deposit is in the bays and shoals along the shores?—A. In my case it is a very serious damage to me. It renders my river front not only valueless to me but a very great nuisance. I had made roads to it for the purpose of using it for commercial purposes, and I had a boat-house built which has been rendered useless, and the river lots cannot be sold for residences as they could have been if the saw-dust were not there.

The next witness is Wm. Addison, who had been a navigator of the river a great many years and was lockmaster in this city at the time of giving this evidence:

Q. How long have you been a resident of this city?—A. About sixty years.

Q. You know all about this river?—A. I know considerable about it.

Q. You have been on the river a good deal boating, I believe?—A. Yes.

Q. Just give us an idea of the character of the river before the saw mills were erected?—A. Up to the time I quit boating there was no trouble at all in the river.

Q. How long ago was that?—A. About 20 years now since I quit boating.

Q. How far back does your memory extend with regard to the river and its condition?—A. Thirty years.

Q. What was the condition of the river at that time?—A. It was clear in the bays and every where else.

Q. Was there any saw-dust?—A. There was no sawdust. Coming up the river from Grenville all along the sides of the river you would find stacks of edgings and slabs piled up all along the edge of the shore. Within the last thirty years the saw-dust has accumulated. At the foot of Pine Tree Island at that time there was 40 feet of water to nearly opposite the foot of the locks.

Q. Give us the extent of it in feet as near as you can come to it?—A. Fully 300 feet from the island to the point.

Q. What height was it above the water?—A. About one foot or 18 inches. The men walked about on it picking up the edges.

Q. And it extended 300 feet in length? A. Yes. Then the saw-dust began to work into the eddy at the foot of the locks, and where there was 40 feet of water there, we had not more than five or six feet now. In 1881, I think they gave a contract to Mr. Askwith and he made a large wrought iron scoop—a very large one—and placed it between two barges on a swivel, and he had crabs to hoist it up. He had two steamers. He backed that into the mouth of the lock, dropped the scoop and hauled the refuse that was in the channel out into the river to deep water. He made a channel about 12 feet deep all over in low water. He took the sawdust away to that depth all over the bay.

Q. Do I understand you to say that the channel was obstructed?—A. Yes, I have been four and five hours getting a boat into the lock, and sometimes have had to unload them. Some boats drawing four and a half to five feet of water came there and could not get in.

Q. When was that?—A. That was the year before last, and it was the same last fall. When the water got low last fall, between the foot of the lock and Stirling's wharf there was about 25 feet square of saw-dust clean out of the water altogether. We never experienced so much trouble with the sawdust until they got the hog machines in the mills. They cut the slabs and edgings up into small chips, and they came with the saw-dust, and being all sap they would sink immediately or in a very little time. The prevailing wind in the fall

of the year is from the west and north-west. I have known it to blow for weeks steadily from west, for I take the course of the wind regularly every morning, and it is sent in to the department. I do not know very much about the river far down, but on the Hull side of Kettle Island, we used to come there with our boats and barges at one time. I was down there last fall and really I wondered to see the state it was in. No boat could get in there now.

Q. Could not row boats?—A. Well, a row boat could get in of course.

Q. The government have had to employ dredge on several occasions to clean out the sawdust?—A. They employed Heney & McNamee's dredge but did not do much good. The scoop of the dredge does not work well in that material. It used to catch on the slabs and edgings and slide along on them.

Q. I suppose you have seen large amounts of saw-dust on the other side of the river, opposite Batson & Currier's old mill?—A. I have seen great quantities of saw-dust on that side. I saw the ice blow up there once for about an acre, and pile up the ice in blocks three feet square. They had a race track from there to Gatineau Point and the explosion took place the night before the race was to come off and the whole place was totally destroyed. I do not think there is much sand comes from upwards down this way. I think it comes principally from the Gatineau. I have seen a barge run aground in the evening and you could not get her off; the next morning the men could walk on the sand around the barge. They dug a hole under the bow and another under the stern and by-and-by the sand would begin to go and in the course of a couple of hours the barge could swim about, so I think it is from there the principal part of the sand that lodges this side of Kettle Island comes, and at the head of Kettle Island in the bay there.

Q. Last year the water was pretty low?—A. Yes.

Q. Did you discover any unpleasant odour from the accumulations of mill refuse at the foot of the locks?—A. Yes, when you would have a blow up. I was standing on the pier one day and saw a white swell coming up. There was an old Frenchman approaching with a bun. The water rose about ten or twelve feet square and lifted him fully three feet out of the water.

Q. What size was the boat?—A. It was a square punt, about 14 feet long and 5 feet wide, with a flat bottom. They use them for gathering mill wood. The wind happened to be blowing from that direction, what little wind there was, and the smell was very bad. I measured around in the bay at the steamboat wharf under Nepean Point and there was 30 feet of water and no bottom with my lead line.

Q. When was that?—A. I think that was in 1881.

Q. How is the water now?—A. There is hardly any water there at all. The saw-dust is over the water all summer, in fact. It is full always. As the saw-dust comes down the river, the wind blows it in there and it cannot get aut.

Q. Do you consider that the saw-dust is destroying the navigation of the river?—A. I do, most undoubtedly.

The next witness examined was Mr. Besserer, a farmer who lives down the river, who is perfectly conversant with the nature of the navigation:

Q. Can you tell us the condition of the river before the saw-mills were erected and its condition now?—A. It does not lie in a very nice state at present with the saw-dust.

Q. What was your first acquaintance with the place?—A. The river was in a very good condition for navigation when I first knew it. There was nothing to hinder navigation when I first saw it. Of late years the saw-dust has accumulated. It is something fearful in the channel of the river in some parts.

Q. In the channel?—A. Yes, down at the Leonard Islands, for instance, and at the mouth of the Blanche the saw-dust has accumulated very much, blocking the channels between the island where it used to be navigable at one time. Now you cannot go there.

Q. What was the state of the river last fall?—A. Last fall it was in a very bad state. There was an awful accumulation of saw-dust then.

Q. How much water was there in the river at that time?—A. Just by the Blanche there would not be much more than four or four and a half feet.

Q. What was the depth there 20 years ago?—A. There would be quite a ceannel there then. Of course I never measured it then.

Q. You had no difficulty in navigating it then?—A. No. There is an accumulation of sand and sawdust. It forms a layer of saw-dust and a layer of sand, and it holds there. If you dig in it you find it that way for 10 feet down.

Q. I suppose you come across occasional slabs?—A. Yes, occasionally we come across slabs and edgings that have got water-logged and sank down.

Q. And this material from the hogging machine?—A. Yes, and from the edger. The way I found the sand and saw-dust there when I went to get sand. This saw-dust has been a great nuisance and it has been increasing from day to day. In fact some days if the wind happens to blow from the north to the south shore you cannot get out with a small boat.

Q. What effect has it had upon the fish of the river?—A. It almost banishes them altogether. There is hardly any fishing of any kind on the Ottawa at all now.

Q. And was there good fishing in the Ottawa at one time?—A. Splendid.

Q. As much as people require?—A. All kinds, from pickerel down—all good fish.

Q. Did you discover any ill effects from this nuisance of saw-dust in the way of health in your locality?—A. In the cool of the evening about the wharf there the stench would be terrible. In fact the water is bad.

Q. Has it caused any disease, any typhoid fever?—A. There were a couple of cases in the Murphy family. There was one man who did not do a hand's turn the whole season from it.

Q. Can you say whether any portion of the channel where the navigation is carried on there is anything to stop navigation.—A. There is, in saw-dust and slabs.

Q. Did you ever find by examination of those channels whether there was any stoppage of navigation?—A. Certainly, when the water would get down low, to a certain pitch.

Q. The boats could not go down?—A. The boats could not go down with this nuisance in the river.

Q. The saw-dust comes up to your farm does it not?—A. Yes.

Q. And is a nuisance to you there?—A. It is a nuisance to every person along the river.

Q. Do you know whether there is any difference in the last ten years as to the character of the refuse coming down?—A. There is a great difference; it is saw-dust now instead of slabs.

Q. With regard to this sand mixed with saw-dust, do you find it there in layers?—A. Yes; I can show you it on the clay bank at our side of the river. The wind disturbs the water and the saw-dust is thrown on the shore and stays there.

Q. Is there any saw-dust in the channel of the river now?—A. I do not doubt it at all. You cannot see any saw-dust in the channel now; a man would want good eyes to look down in the channel and see what is at the bottom when the water is high, but if you come down in the summer, I will show you lots of it.

The next is John Tilton, who is an employee of the Fishery Department, and who was called upon to give evidence as respects the proclamation issued by the government with reference to the exemptions:

Q. Do you know anything respecting this question of saw-dust in the Ottawa River?—A. Generally, I understood that the line of information you desired from me was particularly the circumstances under which these exemptions were made and what other exemptions existed as well as that of the Ottawa. The exemptions are made under Chapter 91, of the Statutes of 1886, "An Act respecting the protection of navigable waters."

The seventh section of this Act provides:

"No owner or tenant of any sawmill, or any workman therein, or other person, shall throw or cause to be thrown, or suffer or permit to be thrown any saw-dust, edgings, slabs, bark or rubblsh of any description whatsoever, into any river, stream, or other water, any part of which is navigable, or which flows into any navigable river; and any person who violates the provisions of this section, shall, on summary conviction, be liable for the first offence to a penalty not less than $20, and for each subsequent offence to a penalty of not less than $50. The several fishery officers shall from time to time examine and report on the condition of such rivers, streams and waters, and prosecute all persons violating the provisions of this section; and for enforcing the said provisions, such officers shall have and exercise all the power already conferred upon them for like purposes by the Fisheries Act. The Governor in Council, when it is shown to his satisfaction that the public interests will not be injuriously effected thereby, may from time to time by proclamation, published in the *Canada Gazette*, declare any such river, stream or water, or part or parts thereof, exempted from the operation of this section in whole or in part, and may from time to time revoke such proclamation."

Under that section of the act a report was made to Council and a proclamation issued, which appeared in the *Canada Gazette* of the 25th of April, 1885. After reciting the acts respecting the protection of navigable streams and rivers and the powers of the Governor in Council under the Act, the proclamation continues:

And whereas it has been represented to us that the public interest will not be injuriously affected by exempting from the operation of the said act all that part of the Ottawa River lying between the Chaudière Falls and McKay's Bay, and also all that part of the Gatineau river from the mill pond above Gilmour & Co.'s mill at Chelsea to the mouth of the said Gatineau river, so far as regards saw-dust only:

Now know ye, that we, under and by virtue of the powers vested by the said Act, and by and with the advice of our Privy Council for Canada, do hereby proclaim and declare that all that part of the Ottawa river lying between the Chaudière Falls and McKay's Bay, and all that part of the Gatineau river from the mill pond above Gilmour & Co.'s mill, at Chelsea, to the mouth of the said Gatineau river, shall, so far as regards saw-dust only, be exempted from the operation of the said act passed in the session of the Parliament of Canada held in the thirty-sixth year of our reign, chaptered sixty-five, and intituled: "An Act for the better protection of navigable streams and rivers."

That is the last proclamation that was issued.

Q. Is this the latest proclamation?—A. This is the latest proclamation affecting the Ottawa—in fact the latest one we have. Perhaps I should mention that a question has arisen since that proclamation was issued, with reference to the Otonobee River. I was sent there by the government two years ago, and after a very careful examination of the river—some complaints having been made with reference to the saw-dust deposit—I examined it over a length of 30 or 40 miles with a good deal of care, and an arrangement was reached between those who were agitating for the entire protection of the river and the mill owners, but if the mill owners would desist from throwing rubbish and edgings into the river, and allow only the saw-dust that fell through the pitman hole, that they would stay their prosecutions. That arrangement has gone on in a measure satisfactorily up to the present spring. Now, the anti-sawdust association, as it is termed, of Peterboro', are again agitating in the direction of having the prohibition made entire. They say that even that exemption is having a serious effect on the navigation of the river, and claim that the arrangement should be terminated. That was only, I may explain, a departmental arrangement. The government had no power, under the Act, to make such an arrangement as that. They must either proclaim the river exempt or it is amenable to the operation of the Act, and information may be laid by anyone who desires to complain.

Q. What is your opinion with reference to the saw-dust and edgings in the river that you did examine, with respect to the navigation?—A. It does not admit of any doubt whatever. The continuous deposit of mill refuse can have but one result—that it is injurious.

Q. And with respect to the fish, what effect has it?—A. There is no doubt with respect to fishing. I am told that in years gone by, the Ottawa River was quite famous for its fish; of late years it is an

industry that has fallen off almost entirely. That may be attributable to other causes as well as to the deposite of saw-dust, but I should fancy that probably that is the principal reason. These bays and inlets which are the spawning grounds for the fish are filled with mill refuse.

Q. Do you know anything in regard to the conditions of the Ottawa River?—A. Yes, I have some idea of its condition in regard to the subject of the inquiry. I should think that the result will be somewhat serious to navigation if the practice is permitted to continue. Anyone traversing the river when the water is low cannot fail to be impressed with the fact that the deposits are seriously affecting navigation—I do not think that even the gentlemen who are running the mills will pretend to gainsay that.

Q. Can you speak of any particular points in the river where it is apparent?—A. I have frequently, in going up and down the river, asked the question why the steamer slowed up at certain points, and was told it was on account of the river being so shallow from the deposit of saw-dust and mill refuse; and I have also noticed when a steamer is going into the several wharves, especially in the upper part of the river, that she always stirs up a large amount of sawdust.

Then John Stewart is called and examined at some length. He is a mining engineer and gives his evidence as to this nuisance:

Q. Are you conversant with the saw-dust question on the Ottawa?—A. I understand a little about the uses to which it might be applied.

Q, Will you give the committee the benefit of your knowledge of that subject?—A. It might be utilized in a small way for the manufacture of paper pulp, and making compressed vessels—pails, tubs and vessels of that kind—and for making brick. It has been utilized for those purposes in Canada; but the large application, almost a Dominion one, as it applies to all the provinces, it can be used for the manufacture of gas, by treating it in proper furnaces, for the roasting and reheating of iron. The heavy matter from the mills could be made into charcoal, and the products of distillation in the process of making the charcoal will pay for the carbonization of it. That could be used in glass furnaces. It has been done on a small scale. It has been experimented on and proved to be practicable, but not to any large extent as yet. It has been used in that way for the last 20 years in Sweden, and the Swedish association of iron merchants presented the inventor of those furnaces with the sum of $10,000 for his ingenuity. The Michigan lumbermen utilize their their saw-dust in the manufacture of salt. They live in a salt region, and they bore wells and get salt springs, and evaporate the brine by burning the sawdust and converting the brine into salt.

Q. Do you know how Mr Rathbun disposes of his saw-dust?—A. He uses it all in that way. He makes gas and lights the town of Deseronto, and he makes charcoal which he sells. There is nothing wasted from his mills.

Q. As an engineer, do you think this saw-dust could be utilized profitably?—A. I can see no difficulty in it, anymore than in the handling of the same number of tons of iron ore, not so much, because you can elevate the saw-dust in elevators. You can convey it in a traveller, but you have got to shovel or handle iron ore. Even the saw-dust that is now in the river, some of it could be taken out and could be used in a furnace; because saw-dust coming direct from the saw, from wet logs, containing 45 per cent of water, can be utilized in that way. That was pointed out in the report of the Geological Survey by Dr. Sterry Hunt I think in 1870.

Q. Then in your opinion there is no practical difficulty in those sawmill men utilizing their saw-dust and preventing it from going into the river?—A. If they make sufficient arrangements for it, there is not.

Mr. Dever, a member of the Senate, who has had experience in a variety of places, gave his evidence in a way to convince anyone of the truth of our contion, that this sawdust is a nuisance, not only here but also in many other places:

Q. Have you had any experience in saw-dust and mill refuse on the river St. John?—A. I found at the harbour of St. John, and on the river also, that numerous mills of the same description that you have at the Chaudière here were in the habit of throwing their saw-dust and other refuse into the river and harbour. The practice was so injurious to the waters of our harbour, destroying the fish and creating shoals in the harbour, that we deem it necessary to prevent it, and we did prevent it.

Q. How?—A. By law.

Q. You prohibited the throwing of sawdust into the river?—A. Yes, and the fact is now that the mills consume their saw-dust. It is not our business to say how they shall dispose of it, but we say they shall not throw it into the river. They have also to dispose of their slabs, and bark and refuse of all kinds. They build that in piles and set it on fire, and in that way, we are completely relieved of this trouble.

Q. Were those mills run by steam or by water?—A. Some by steam and some by water. In fact, it is an offence to throw mill refuse into the river.

Q. But it was not so always?—A. In our primitive state, it was not considered necessary to prevent it, but we were compelled to do so, because our harbours and fish pools would have been filled up with this decomposing vegetable matter. It became ruinous to the fish, destroying their spawning grounds and lessening the supply of fish generally.

Q. When saw mills are run by water what contrievance have they for preventing it from falling into the river?—A. They cart it away and burn it.

Q. But how do they prevent the sawdust from falling into the water in the saw mills which are run by water power?—A. The floor is completely covered over and the saw-dust is raked out. It is taken away in carts constructed for that purpose—large wheeled carts.

Q. There is no saw-dust thrown into the water at all then?—A. If there is, they do it clandestinely. They cannot do it publicly now. It is a mere matter of arrangement with those mills I allege. It will be some expense I admit to change the mills here, but it is part of their business to make such arrangements and not impose on the public I think.

The next witness is John Mather, for a long time an employee of Gilmour & Co., on the Gatineau River, who had considerable experience in the matter of saw-dust. He was employed by these millmen at one time to make an examination of the river. He sent in a report which showed that the main channel was not interfered with at that time to any serious extent :

Q. You are engaged in the lumber trade now ?—A. I am, at Keewatin.

Q. Were you engaged for many years in the lumber trade in the neighbourhood of Ottawa ?—A. Yes.

Q. Were you not appointed a commissioner to examine the channel of the Ottawa river on one occasion ?—A. On two occasions, in 1873 and 1877.

Q. Did you make a thorough examination of the channel of the river respecting the question of saw-dust ?—A. The second time I did.

Q. Will you tell the committee whether in your judgment the saw-dust accumulates in the channel where the current is ?—A. Not where the current is.

Q. There is saw-dust of course in the bays ?—A. Any amount of accumulation in the bays.

Q, Prior to 1877 I understand that the mill slabs were thrown in. Would the throwing in of saw-dust alone have a less effect on the channel ?—A. The slabs remained in the current ; the saw-dust goes out of it if there is nothing to keep it there,

Q. Do you think there is any danger to the navigation of the Ottawa River by throwing saw-dust into it ?—A. The only danger to navigation that I see, is at the mouth of the canal ; it fills up there. The saw-dust will come to the top of the eddy and prevent navigation there.

Q. That is the only place ?—A. There, and around the wharfs of the millmen themselves.

Q. What kind of mills were you engaged in—water mills ?—A. Water and steam mills—principally water mills.

Q. Do you know of any water mill so constructed as to prevent the saw-dust falling into the stream—or do you know of any way to prevent it ?—A. At Keewatin we do not let any sawdust in ; that is a water-mill. We keep it all out.

Q. How do you keep it out ?—A. We catch it as it falls and take it out by carriers and then cart it away.

Q. Was your mill lately constructed ?—A. It was commenced in 1879.

Q. Was it constructed since any of those mills were built ?—A. There have been some new mills built here since then—one last winter and one the winter before.

Then there is the late Hon. Mr. Glasier a lumberman on St. John River, I believe the oldest lumberman living at the time he gave his evidence. He was practical in every way and very observant and stated his opinion in a clear and concise way :

Q. Do you wish to make a statement about the saw mills in New Brunswick ?—A. I will commence with the harbour of St. John and the parish of Portland which are joined together. There are seven or eight mills there. There are no water mills there and those mills burn all their sawdust and a large portion of their slabs, and they have been there 30 or 40 years and I have never heard of any accident. I do not think the fire risk is increased though they are in the middle of the place. There is one mill there that is run both by steam and by water and they burn their saw-dust. That mill has been there for forty years, and they have got a large town around them and a station house. The railway runs through the place. I have never heard of an accident there. Right in the city of Fredericton there is a mill that has been running for twenty years and they burn their saw-dust.

Q. What is the mill ?—A. That is called the Easty mill. And then a mile below the town, Morrison has a very large mill that saws about 50,000,000 a year. It sawed more than that this winter. His mill was burnt down but the fire took from the furnace inside—his own furnace. He did not burn his sawdust at that time. There is another mill below that half a mile. It is a continuous settlement along there. They cart their saw-dust and refuse out and burn it : the only mill on the river that does not consume its saw-dust and refuse is Gibson's. The saw-dust from the mill goes into the river by some concession that the government here have made. They have arranged to let it go into the river but he burns his slabs and refuse right along side of his mill. There are other small mills up the river but they are of no account. As to the navigation of the river St. John there are several shoals in the river where the dredge is at work every summer almost. They dug a channel through half a mile long and ten feet deep.

Q. Where is that ?—A. At Oromocto shoals. The hands that work on the boat told me that two or three feet down they found as much saw-dust as mud and earth all mixed together. It comes in the spring of the year and lodges on the shoals. There is a good deal of sediment there also and it lodges. That current is as strong as the current of the Ottawa. It runs four or five miles anyway and last spring it ran at a higher speed than that. These shoals are increasing continually from all those things accumulating there. It is ruining the fish in the river. That is my experience of the past forty years. As to the increased rates of insurance they do not seem to make any increase at St. John.

Q. Has the salmon fishing decreased in the streams that run into the St. John ?—A. Yes. The streams where the saw mills are located are completely ruined for fishing. On the Nashwaak, where Gibson's mill is situated, which used to be a good river for salmon, they are completely gone.

Q. The salmon used to spawn there, I believe ?—A. Yes ; I have caught seventy in a day right on my own shore, a little below Fredericton. We used to have the shad, the gaspereaux and the salmon and sturgeon in large quantities. Now they are diminished very greatly. Most of the salmon now that we get are from the north shore—the Baie des Chaleur and the Miramichi.

Q. But still they catch a good many in the harbor of St. John ?—A. Yes, a considerable number and around in the bays, but so far as the

obstruction of the River St. John is concerned, it is a very serious thing, and if Gibson continues depositing the saw-dust and refuse in the river a few years longer without check, it will be worse.

Q. How long have you been engaged in the lumber and milling business on the River St. John?—A. I am not in the milling business at all. I have been in the lumber business 60 years.

Q. On the River St. John?—A. On the River St. John and its tributaries. I have taken timber from opposite Quebec at the head of St. John 400 or 450 miles.

Q. You ought to be well acquainted with the navigation of the River St. John?—A. I tell you the navigation of the river is very much impeded. Bars are forming all the time from this material and the other stuff coming down the river.

Now, I will give you the evidence of Captain Bowie, I believe the oldest navigator of this Ottawa River at the present day. He has been commander of the "Peerless," "Empress" and other vessels for over thirty years to my own knowledge. He is every day on the river, and a man quite conversant with all its difficulties, and he gives us to understand what effect this saw-dust has upon the navigation in a way which I believe will convince every hon. gentleman as far as that is concerned. It is a reliable and true statement:

Q. You know a good deal about the subject of our inquiry. Can you give us the benefit of your experience, chiefly with reference to the navigation of the Ottawa?—A. When I first came up the river here I was captain of the steamer "Phœnix." Then I never had any trouble whatever on the shoals. The water was deep enough both in high and low water at all seasons. After a few years, when the mill refuse was going in, and slabs and edgings, they filled up most of the fronts of our wharfs, and at the locks here there was a large quantity of edgings, which are still there. In the channel we find a great deal of saw-dust. Of course, at this pitch of the water, or at the time Mr. Mather took his soundings, which was in high water, and there was a strong current, it is not so apparent, but in September or October I can stop the boat and bring up a volume of saw-dust that would astonish you.

Q. Was that in the channel?—A. In the channel of the river. Of course, at this season of the year, the strong current carries it away. At the locks here I was sending a boat up to the exhibition grounds a year ago, and the captain came to tell me he could not get into the locks, though the boat was drawing only four feet of water. I told him to go back and work her in, he did so, and spent several hours working at the saw-dust and finally got in. That was in September, during the exhibition. She was coming up to convey passengers from the basin to the exhibition grounds. She was a large steamer and filled the locks.

Q. What part of the channel of the river is it that you can stir up the saw-dust with the steamer?—A. That is at Way's shoals.

Q. How far is that from the Chaudière falls?—A. It is twelve or fourteen miles.

Q. What depth of water is there over it?—A. Seven or eight feet. The Queen's wharf, where we now lie, had at one time over 100 feet of water. I have seen the "Peerless" take ten minutes to get to the wharf to tie up.

Q. And she draws how many feet of water?—A. She draws six feet. I have seen her ten minutes working backwards and forwards trying to get into the wharf, and I have seen the cabmen get hold of the springing line and walk on the saw-dust between the vessel and the wharf. We used to lie in there in the winter with the steamers, but we found the saw-dust had so filled up the bay that we have had to leave the wharf and take the risk of the ice out in the stream.

Q. Did you not, at one time, lay up your steamers in Mackay's Bay?—A. Above Mackay's Bay, in New Edinburgh Bay.

Q. Is there much risk of ice where you have to lie up?—A. Yes.

Q. The bays of the river are completely destroyed as winter quarters for steamers?—A. Yes.

Q. Have you seen any of those explosions in the river that are spoken of by other witnesses?—A. Yes, from L'Orignal to Ottawa.

Q. Have you found any inconvenience from them?—A. The odour arising from them is not very pleasant round the steamer lying at a wharf. There is a strong, gassy smell from them.

Q. Is it unwholesome?—A. I presume so.

Q. Some observations have been made here about vessels carrying smaller cargoes in years gone by than they do at present. I suppose you can give the Committee an idea why it is so?—A. The vessels that carry double the quantity of lumber now that they did in former years have different bearings and different beams, but they do not draw any more water. At that time, when you were steamboating, and when I first came up the Ottawa you could not get a barge measuring over 90 feet through the Grenville Canal.

Q. Do you not keep by the shore a little when you come round the point at McKay's Bay? A. No, we come straight up; we do not come within hundreds of yards of the sawdust shoal in McKay's Bay.

Q. You know that these barges that navigate there draw 6 feet of water?—A. Yes, and I know they were all aground last fall below Rockliffe, at the point you speak of. The channel is altogether changed here. Formerly we had a good channel there, but now the channel is close to Hillman's mill. The closer we keep to the shore at Hillman's mill the better. We found out a new channel in the low water last summer.

Q. Do you know whether the place where the barges stuck last summer was a sand bar or a saw-dust bank?—A. It was sand and saw-dust mixed—lots of saw-dust. We found this new channel last fall, near Hillman's mills, by accident, from the fact that all the barges were aground in the channel—the barges of Mr. Bangs as well as those of Mr. Murphy.

Q. Have you discovered any difficulty in managing your boilers from the saw-dust?—Yes, in going through the saw-dust we find that we have to keep two injectors in the boiler, and the engineer has to work them by opening one and shutting the other. The saw-dust gets in and opens up the valves of the injection pipes and holds them there, and the water runs out of the boiler. The engineer attributes it

to the saw-dust. She gets hot occasionally, while lying at the wharf particularly.

Those are the principal witnesses whose evidence I will read on this occasion. The evidence was very carefully considered by the committee and they submitted the following report for the consideration and information of the Senate:

Having in view the late period of the session at which the order of reference was made, and the desirability of making as complete an investigation as possible into the important subjects referred to them, your committee proceeded with all despatch to the consideration thereof, and have devoted much time and patient attention thereto.

A large number of witnesses, representing the various interests involved, appeared before Your committee and were examined by them. Appended is a list giving the names and occupations of the gentlemen so examined, and your committee submit herewith the testimony given before them.

Although the scope of the order of reference was enlarged by your honourable House, so as to include in the inquiry an examination into the extent and effect upon the Ottawa River of the deposit therein of refuse of all kinds, other than that merely from the sawmills upon the banks of the river, Your committee, in their desire to present a report upon the main questions involved, deemed it advisable to forego any special inquiry into the question of deposits of offal, sewage and night soil and the effect thereof upon the public health, which matters however, will be found incidentally referred to in the evidence of several of the witnesses.

Your committee have also carefully considered the report, made in February, 1873, by the Hon. H. H. Killaly and Messrs. R. W. Shephard and John Mather, the commissioners appointed in 1871 to enquire into the condition of navigable streams, and the report, made in June, 1877, by Mr. John Mather to the Minister of Marine and Fisheries, on the subject of the disposal of saw-dust and mill-offals in the Ottawa River. They have also had the advantage of the professional evidence given by Mr. John K. Arnoldi, mechanical engineer of the Department of Public Works, by Mr. H. A. Gray, assistant chief engineer of the same department, who was charged to make an examination, in the summer of 1887, as to the actual condition of the bed of the Ottawa River and the extent of deposits therein of saw-dust and other mill refuse; by Mr. G. T. Brophy, C.E., of the same department, superintendent of the Ottawa River; by Mr. F. A. Wise, the superintending engineer of the Rideau Canal, and by Mr. T. C. Keefer, C.E., all of whom, from their official position and peculiar experience, were able to afford your committee most valuable information.

Your committee desire to acknowledge the readiness with which information was furnished them by the various mill owners and manufacturers of sawn lumber who appeared before them, and whose interests were ably represented by counsel, as well as the valuable information afforded by all other witnesses.

These deposits also prevent the utilization of property along the banks of the river for the construction of wharfs and for other similar purposes, and likewise cause further damage to riparian proprietors by the depreciation in value of property on the river front.

Your committee find, from the evidence given before them, that saw-dust and other refuse of sawmills can be economically utilized, and that the destruction thereof is successfully accomplished in at least one saw-mill upon the Ottawa River, and in many others in Canada and in the United States of America.

Your committee are also of opinion that these large deposits of decaying vegetable matter constitute at times a dangerous menace, if not a positive injury to health.

Your committee accordingly recommend that the proclamation, made on the 17th April, 1885, by which that portion of the Ottawa River lying between the Chaudière Falls and McKay's Bay, and also all that part of the Gatineau River from the mill pond above Gilmour and Company's mill at Chelsea to the mouth of the said Gatineau River, are exempted, so far as regards saw-dust only, from the operation of the seventh section of the "Act respecting the protection of Navigable Waters" (R.S.C. Chap. 91), be rescinded by the Government as soon as practicable, having regard to the large and important interests involved in a business of such extent and public importance as is the lumber trade, and that thereafter, the provisions of the said section should, in the public interest, be strictly enforced.

The leader then gave me his assurance that immediate steps would be taken for the purpose of complying with the conditions of the report so ably presented by the committee on that occasion. I allowed the matter to stand on that assurance, and upon the 29th March, 1889, I inquired:

Whether the government have taken, or intend to take, action in reference to the report submitted by the special committee of the Senate at its last session with respect to saw-dust being deposited in the Ottawa River, below the Chaudière Falls, in the city of Ottawa.

It is not necessary to read my remarks upon the motion. Then Mr. Abbott said:

My hon. friend, I am sure, is as well aware as any other member of this House of the importance of the subject which has been brought before the Senate to-day. The question of compelling the lumbermen to deposit the saw-dust elsewhere than in the river, or to destroy it, is one which affects an enormous manufacturing interest in this country, and, so far as the government are instructed, the expense of a change will be very large indeed. I am greatly in hopes that my hon. friend's accounts of the injury that is done to the river by this saw-dust are to some slight extent exaggerated—that it is not quite so bad as my. hon. friend says; but there is no doubt—and the government are satisfied—that it does injure the river, more especially the bays and the outlets of streams, and the like, coming into the river. I said last session that the government intended to take action in the matter. They have been making inquiries, taking prepara-

tory action ever since. They have had a survey of it made ; they have taken great pains to have the river examined by a competent person employed by themselves, and they have his report, which confirms, to a considerable degree, the report of the committee of this House, which is laid before the government, of course, and which received their full consideration. Since then, the mill-owners have desired to be heard, and represented that they wished to be parties to an inquiry as to how far this damage extends, if there is any damage. Some of them contend that there is none ; others admit that there is some ; but they desire to be heard, and they have employed Mr. Sandford Fleming, a gentleman well known to every member of this House, to examine the river and make a report on this saw-dust on their behalf. I understand that he is at this moment engaged on that, and that a report from him is expected. As soon as it is received, the whole subject will no doubt be taken up. Inquiries, so far as they are needed, will be made, the subject will be taken up, and some remedy will, no doubt, be adopted for the evils that the deposit of the saw-dust in the Ottawa river produces, of a character appropriate to their extent and their importance.

That was in 1889, after the report of the committee and after the government had made an examination of the river in 1887. This first examination was made by the government prior to my taking the action. The government considered it necessary in the public interest to require the examination to be made by Mr. Gray. The examination was accordingly made, and it is most extraordinary that, having this information before them, they waited for the examination of a gentleman employed by the mill-owners. We know what that amounts to. I am not going to say anything harsh about him, but I am credibly informed, that as far as the examination is concerned, he was never a party to it, and was never upon the river one minute. He entrusted it to some employe ; but it is not such a thing as the government, having due regard for their position, should leave in the hands of any private employe. They had a competent gentleman, Mr. Gray, who made a careful examination, and a very full report. He also came before the committee of this House and gave evidence. The other day I asked the government to bring down copies of Mr. Gray's report. I have asked for these reports session after session and have never been able to get them. I do not think that is right. I asked the government the other day to have another examination made to ascertain whether this nuisance exists at the present time. I want to give the mill-men every fair play and let them show, if they can, that they are doing a benefit to the country by throwing the sawdust in. If they can show that it is a benefit to the fish or to navigation, all right, but we must have some reliable information. That is as far as 1889 was concerned, and you can see step by step that I have taken every opportunity of placing the matter before the government and getting their opinion on it. On 21st January, 1890, I moved :

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will be pleased to cause to be laid before this House, copies of all reports and other communications in reference to the deposit of saw-dust, slabs, or other material in the Ottawa, and other rivers of the Dominion.

Then after I had made some remarks, Mr. Abbott said :—

The Government, of course, have no objection whatever to the Address being carried, but I think we might conveniently dispense with a further discussion of the questions which my hon. friend proposes to raise until we have the papers before the House, and can see exactly what these various experts have reported on the matter in question.

Hon. Mr. SCOTT—The papers I suppose will be brought down at an early date ; they must be all ready.

Hon. Mr. ABBOTT—They will be brought down as soon as possible. I cannot say whether they are ready.

Hon. Mr. SCOTT—They cannot be very voluminous.

That is in 1890. That shows I have been desirous of getting all this information, and here in 1890 they promised that the papers would be brought down. Up to the present time they have never complied with my request. In 1891, on the 25th June, I introduced a bill for the purpose of removing this power that was given to the government, and upon the second reading Mr. Abbott said :

With reference to my hon. friend's motion for the second reading of this bill, we have had this matter up before us on several occasions, and there is no doubt it is one of very considerable importance to the effect of allowing the saw-dust from the Ottawa mills to pass into the river and I must say there a diversity of opinion about it. However, there seems to be a strong opinion, a stronger opinion, in fact, in the direction that this saw-dust is injuring the river, injuring the navigation, and also injuring the life of the fish, which is, of course, important to the people along the margin of the river as a means of livelihood in many cases. I have had some representations made to me on behalf of the mill-owners, who represent that the preparation of machinery or appliances for the consumption of this saw-dust on the spot would be very expensive and very difficult—in fact, would expose their entire plant to

the danger of fire, and would involve many other inconveniences. I have not had much opportunity myself of investigating this matter, but it appears to be the general opinion of my colleagues, in so far as I have gone into the question, that exception which prevails in favour of the Ottawa river ought to be abrogated, and I would ask my hon. friend to withdraw his bill for this year, in order that the mill-owners may not be too suddenly, by force, compelled to make changes which would be very expensive and inconvenient. My hon. friend has been good enough on that consideration to agree to withdraw his bill for this year, with the understanding that as far as I can say such an under. Standing can be arrived at before hand, that his measure will receive the assistance of this government if it should be in power in the year to come. I hope that very good friends of ours, and others who are affected by this announcement will take notice also, how far they can avoid the evil consequences which might follow their being suddenly compelled to enter upon an entirely different course of action with regard to their business, which is of course one of the most important in the whole country, and which I have the greatest desire to foster and encourage and have the greatest objection to embarrasing in any way

Then Senators Kaulbach, Poirier, Power, McCelan and McMillan, and a great many others, spoke. Mr. Abbott was very emphatic and induced me to withdraw my bill. I believe at that time the bill would have carried by a very large majority. The fact is, the senators were prepared to vote for that bill and carry it through. At the suggestion of Mr. Abbott, I was induced to withdraw it; but from that day till this, the promise that something would be done has been overlooked for some reason or other. It seems extraordinary, after all the promises made by the government, that up to this time nothing has been done; not the first attempt has been made to modify the law and satisfy the people. I do not propose to read all the discussion which took place. Nothing was done. As you all know our lamented premier, Mr. Abbott, was succeeded by Sir John Thompson. I did not want to embarrass the government or trouble them until last year when a bill for the protection of the fisheries was introduced in the lower House. That bill did not contain the exemption clause; it was put in at the last moment in a very extraordinary manner by some means or other in the Commons, and it was only at the last moment, when the bill came here, that I observed the amendment in the bill. I then proposed the following amendment:

"Provided always that the provisions of this act shall not apply until after the 1st May, 1895, to the saw-mill owners and employees of any saw-mill situated on any stream which was wholly or partially exempt from the operation of said subsection 2 of section 15 hereby repealed.

That amendment was carried last year. A great many gentleman took part in that discussion. I think you are all cognizant of what took place, but I read these proceedings because there are some hon. gentlemen who were not present last year. My hon. friend the member for Ottawa took part in the discussion and quoted the opinion of the then Minister of Fisheries, Hon. Mr. Tupper, who took strong grounds that this saw-dust nuisance should be abated, and now at this late hour we are called upon to rescind what we did last year. It is a most extraordinary thing. These gentlemen have been transgressing the law since the 1st of May last. This law has been upon the statute book, and it was the imperative duty of every man in this country to obey it, still they have been acting in defiance of all law, under the eyes of the government, contravening an Act of Parliament in a very serious way, and establishing a very dangerous precedent, which may in the future be fraught with evil consequences to the community in general. What would be thought of a man accused of any crime who pleads in extenuation of the crime his utter ignorance of the law? Does that justify him? No, but quite the reverse. It is presumed that every man knows the law and ignorance of it is no justification for wrong-doing. But the mill-owners are not ignorant of the law that they have been contravening during the last two months. It comes to this, that in Ottawa there is one law for the rich and another law for the poor. It is a very serious matter; the shoe may be on the other foot before long. On some occasion in the near future, when an attempt is made to enforce a law that is not respected, the people will say, "We won't obey your law while under our eyes, right at the seat of government, these millmen are allowed to contravene an Act of Parliament."

I have referred to the petition of Mr. Ratté, who owns a boat-house here, and whose business has been ruined by the mill-owners. His petition is as follows:

To the Honourable the Speaker,
And the Honourable Members of the Senate of Canada.

The petition of Antoine Ratté, of the city of Ottawa, boatman, humbly sheweth as follows:—

About the year 1865, your petitioner acquired for the purpose of carrying on his business of a

boatman a valuable piece of ground between Cathcart and Bolton streets in the said city of Ottawa, having a frontage on the Ottawa River of about 200 feet, and being the most suitable place in and about the city of Ottawa for the purpose aforesaid.

Your petitioner afterwards built a large boat-house in front of said lands costing over $5,000 and he carried on his business therein with great success down to about the year 1879, but since on account of the accumulation of saw-dust and refuse thrown into the Ottawa River by the Chaudière mill-owners your petitioner's business has been greatly injured.

Prior to the nuisance created by the saw-dust your petitioner was realizing from his business $3,000 a year at a yearly expense of about $500, but since 1879, your petitioner has not been able to realize in any one year more than about $400.

Your petitioner's losses on account of the saw-dust has not been less than $2,000 yearly.

Your petitioner, in the year 1884, sued the Chaudière mill owners for damages, but on account of the various appeals taken by them in all the courts up to the Privy Council your petitioner was not able to get the damages assessed till the month of May, 1891, when a report was made for $3,500 for his losses before 1884. Then the Chaudière mill-owners again appealed against this small amount in all the courts up to the Supreme Court, when in December, 1892, the report was confirmed in favour of your petitioner, but the costs of the several prior appeals exhausted most of what your petitioner was allowed.

Your petitioner again, in 1893, sued the Chaudière mill-owners for damages for the six years previously, but on account of new appeals your petitioner has not yet been able to have the damages assessed.

After your petitioner succeeded in establishing in all the courts his legal rights against the Chaudière mill-owners, the Parliament of Canada, by act of last session passed a law to prevent the throwing of sawdust and mill refuse into the Ottawa River.

The Chaudière mill-owners have disregarded that law and they still continue to throw into the Ottawa River the saw-dust and refuse from their mills, and they are now seeking to obtain a repeal of the law of last session.

Your petitioner begs leave to represent that a repeal of the law would be most injurious to the public interest, and would cause your petitioner a further loss of $2,000 a year at least.

Your petitioner has suffered since the year 1879 damages amounting to $2,000 a year, and he will suffer the like damages yearly whilst the mill-owners are allowed to throw the saw-dust and mill refuse into the Ottawa River.

Your petitioner humbly prays that the present law may not be repealed, but should the same be changed it should be only on condition that the mill-owners do give security to pay to your petitioner forthwith the damages he has already sustained and also $2,000 a year whilst the nuisance continues.

And your petitioner will ever pray.

his
Witness : ANTOINE × RATTÉ,
mark.

THOS. J. MORRIS.

OTTAWA, 24th June, 1895.

31½

I want to read another document, one of the most extraordinary things I ever saw—that is, the Act of Parliament passed by the Ontario government instructing the judiciary to act in a certain manner with respect to cases of this kind :

Some ten years ago, when the trade were threatened with vexatious suits, the Provincial Government thought the matter of sufficient importance to make an enactment, which reads in part as follows :—"The court or judge may refuse to grant any injunction in any such action or other proceedings, in case it is proved to the satisfaction of such court or judge by the person against whom such injunction is claimed that, having regard to all the circumstances, it is on the whole proper and expedient not to grant the same, and for that purpose shall take into consideration the importance of the lumber trade to the locality wherein such injury, damage or interference takes place, and the benefit and advantage, direct and consequential, which such trade confers on the locality and on the inhabitants thereof, and shall weigh the same against the private injury, damage or interference complained of ;" 48 Vic., Chap. 24.

In other words, the judiciary were instructed not to interfere with the interests of the lumbermen. Now, I have laid the whole matter before you. It is a very unpleasant duty for me. It has been, I can assure you, in many ways disagreeable, but it is a duty that I have undertaken and performed in the public interest. I have been maligned in every way—gentlemen have come to the corriders of this building and have imputed all sorts of motives to me, and I have been told that I am destroying the value of proprety in the city, and damaging the interests of the Ottawa country. I have taken my course and I think I have shown conclusively that I have done everything with the approbation of this Senate, and of the predecessors of the leader of the government in this House. I am not open, therefore, to such accusation. I do not think it is fair or right to indulge in mean insinuations against me for having done my duty. Our corridors are filled with men, I suppose paid emissaries, who are trying to influence members to vote for this bill. Of course, I know that their efforts will have no effect. I am sorry that the stand which I have been obliged to take is prejudicial to the interests of some of my fellow-citizens, but I am discharging a public duty. I am satisfied that the people of this locality approve of the course that I am pursuing, but the moment they meet any of those millmen they are afraid to express their views and dare not say anything against them. I occupy a differ-

ent position, however, and I am endeavouring to discharge my duty. I hope that the government will take care, if they make a concession, that it will be of such a nature that the nuisance will be abated before long. I have no confidence that the lumbermen will make any improvement, however. They have had several years to make preparations to change their system, but they have made no movement, and they are not entitled to any consideration in this House. I do not wish to injure them or the business of this city—if I injure them I injure myself to some extent and I am not likely to do that, but you all can see for yourselves from the windows of this building the damage that is being done to our river and you can judge for yourselves whether I am doing right in endeavouring to save it from destruction. I know that public opinion endorses me, and I have the proud satisfaction of knowing, at any rate, that the people respect me for the course I have taken, although I have laboured under great difficulties. All that may be said against me has no effect upon me. They can abuse me behind my back, but they dare not come and look me in the face and say that I am doing wrong. I have met them on platforms more than once and they have not dared to make the accusations in my presence that they make in my absence. If the government are satisfied that those lumbermen intend to carry out in good faith what is now proposed, all right, but the government must take the responsibility. I have been assured from time to time by the government through its representatives in the Senate, that this nuisance would be abated, but no step has been taken to put an end to it. The mill-owners have merely been temporizing. It is not impossible to destroy the refuse from those mills ; it has been done elsewhere and it can be done here. It is a mere matter of expense. If these were poor men, merely getting a dollar a day for their services, I would not expect the government to take a decided stand, but we all know that they have amassed immense fortunes out of the best assets of this country, and I do not think that much consideration should be shown them on the ground of the expense it will involve. This is not a political matter. All these mill-owners are united as one man in the promotion of their interests. They are known amongst politicians as hydraulic conservatives and timber limit reformers. Therefore, there is no political significance in this matter at all. They join hand in hand : when you strike one, you strike the whole of them. For instance, Mr. Edwards very generously came out and tried to shelter them. He showed an *esprit de corps* and took a manly course so far as that is concerned, but he has endeavoured to comply with the law himself. I hope he will show the people of this country that he can and will respect the law and that he will use the appliances necessary to consume the saw-dust. It can be done here as it has been done elsewhere, and for my part I will not rest satisfied, if this extension of time is granted, until I see the mill-owners carry out the understanding with the government in good faith. We have been assured from time to time that the solemn decisions of this House would be respected, and the failure of the mill-owners to show the slightest regard for the opinion of the Senate, places us in a very unenviable position. The people think that the Senate has no power to control the action of of these powerful lumbermen. You all remember the trouble that was taken in this House to get at the facts—how a committee was appointed and a report presented by the hon. gentleman from Richmond, and the strong feeling of the House in support of my contention. I hope the House will take all those matters into consideration. I cannot blame the Premier for his failure to act on the recommendation of that committee. He was not here at the time when the report was presented. As long as you make concessions to those lumbermen, as long as you allow them to throw the saw-dust into the river because it is convenient for them to do so, they will continue the practice. They will never stop it until they are forced to do so. I hope whatever concessions may be made this session will be an ultimatum and that we shall hear no more about the sawdust nuisance. I was forced to take action in this matter because of the outcry in the press and from the public, and I have come to the conclusion that if we do not succeed now in putting an end to the nuisance we never will succeed. If we do not act now, we will find the channel of the Ottawa River filled up with saw-dust and we may rely upon the railroads hereafter. We may as well forego the hope of ever having the Ottawa Canal through to Lake Huron. The

more the river is obstructed the greater will be the delay and difficulty of getting that canal. These waterways ought to be free and uninterrupted to the whole public. Every man should have an equal right to use them and the sooner the mill men know it the better. If the government has any proposition to make to alter the bill so as to make it acceptable to the House, I am perfectly willing; but I want it to be of a character that it will be a finality, and if I get any assurance that that will be done, I shall not offer further opposition. I say, as I have always said, that I have no desire to injure the trade or any interests of the Ottawa country. There is a diversity of opinion as to whether the city would be injured or benefited if the mills were removed from here. However, that is a matter that I do not care to discuss. The question is, shall we save our river from being ruined by mill refuse? I think we ought; it is a self evident proposition, and the sooner we accomplish it the better it will be for the country at large and even for the mill-owners themselves. They will find some means whereby they can utilize the mill refuse that is now going to waste, and make it a source of revenue instead of the means of ruining the navigation of the Ottawa.

Hon. Mr. GOWAN—I think my hon. friend might well have taken a stand upon the Act of last session and said, here is an Act of Parliament deliberately passed and passed after full investigation implied by requiring that a certain act shall be done within a certain time and it has not been obeyed, but he has not confined himself to taking that stand but has entered very fully into the evidence which warrants the committee in making the recommendation that they did to the House, and which warranted the House in adopting that recommendation and putting this particular clause on the statute-book. I do not think my hon. friend desires to question the bill before the House further than as it respects the Ottawa River. I quite agree with the hon. Minister who introduced this measure that this clause ought not to apply to rivers such as he refers to—international rivers, nor to cases where mills are erected on small streams, in out of the way places that would not effect the public interest and the public health, but it is quite a different thing when it comes to be applied to a great and important river such as the Ottawa. The Act passed last year did not prevent those men carrying on their business. It give them reasonable warning that they would be required to forbear from throwing mill refuse into the river and gave them until the first of May to stop the practice. Moreover, they had in the proceedings of former years to which my hon. friend has referred warning of what was coming. The question came up year after year and was debated in this House and the leaders of the government in this House admitted that great mischief was being done to the rivers that the fish were destroyed and the navigation impaired and that other damage was done. The lumber mill-owners had full warning that some step would be taken to stop the practice and they were given a distinct information that the practice must cease after the first day of May 1895. The first day of May has passed by some 60 days and I do not know whether it has struck the department in which this bill was prepared or my hon. friend who is moving this matter that there has been a violation of the law for the last 60 days. If the mill proprietors have been doing so they are liable to penalties for every day while they continue to violate the conditions that are provided against in the clause of last session. The effect of the bill now introduced is simply to free these gentlemen of six or seven thousand dollars of penalties There are, I believe, some six mills at the Chaudière, and if the amount of the fines that they are liable to is calculated and put together, I think it would not fall far short of six or seven thousand dollars. That is a very unusual thing. No doubt the mill-owners are very clever men, very prominent men, and they have wonderfully persuasive ways, but I do not think that they ought to receive any consideration other than any man in the community should receive and certainly they receive marvellous consideration in this that the bill proposes to repeal this clause imposing the penalties, and consequently to destroy the foundation on which any action could be built, and its effect will be to free these men from any liability for breach of the law. I do not know whether there is any action pending. If any action has been brought, as there might be for this violation of the provisions of this Act, we might be interfering with

the due course of justice. They, the mill-owners, are liable beyond doubt for the time, over 60 days, of direct infringement of the Act. So far as the measure introduced by my hon. friend goes in respect to rivers on the borders of Canada, international rivers and small rivers and mills erected on small streams, I think the bill embodies a necessary provision and I hope in view of all that my hon. friend has stated that the Ottawa River will be exempted or some other step taken to meet the reasonable views of my hon. friend from Rideau to exempt the Ottawa River from the perview of this bill. If that is not the proper mode of doing it some other means should be taken to satisfy the public at large that this nuisance will finally be put an end to. It is all very well to say to these gentlemen who are affected along the borders of this beautiful river, you have the law open to you and you are not confined to the provisions in this statute as the general law is open to you and a principle of the common law is violated that a man must so act that he shall not hurt his neighbour's property—it is all very well to say that to these people but the law is a mighty expensive machine to put in motion and the wheels require to be greased very frequently to keep it in motion and if they proceed by civil action it will involve an enormous expense that few would undertake because it probably would involve a good deal of scientific evidence and that as everybody knows is a very expensive luxury. Under those circumstances I think it is scarcely fair to expect that the people affected should have to proceed to vindicate themselves in the ordinary course of law. I do not see that there would be any use whatever, except some Leonidas should spring up who was willing to sacrifice himself and his fortune for the benefit of all, but the days have passed when people are willing to sacrifice themselves for the benefit of the public and it is scarcely to be expected that there would be any man among those who are so grievously effected by this nuisance caused by the mills who would come forward and take the lead at his own expense. All the hon. gentleman from Rideau has said has appealed very strongly to me, and he has shown, I think, an immense energy in endeavouring to right this great wrong, anyone who looks at it must be perfectly satisfied that a great and grievous wrong is committed, that the fish have been poisoned, the water polluted, that boating for pleasure or business is impeded, and that people are in danger any minute of being blown up, and all because of this nuisance that has been permitted for so many years. The gentlemen who are interested put forward a paper and gave their reasons at length, and no doubt they expected these reasons to commend themselves to the Senate. At all events the paper was very cleverly drawn up. Everything was put forward in the best and most plausible manner, but to my mind that paper gave the finishing touch to any attempt to pass this measure. I look round the county from which I come and I see every important mill has means for burning refuse and I cannot see why these gentlemen on the Ottawa River after all the warnings they had and after been practically required by statute to properly dispose of the refuse should be permitted to throw the saw-dust and the other stuff in the Ottawa River. Their remarks in their pamphlet struck me as rather strange and small coming from grave and respectable men; they as much as say to the people injured, we have been the means of destroying your fishing and preventing many of you from gaining a livelihood by means of fishing, and others fond of sport we have prevented you catching fish in the river, but you have "the slabs." That is calmly brought out as if that should satisfy all—you have the slabs. They say if we have injured the water, if we have injured the navigation our reply to that, practically so in this paper, you have the slabs. That seems to me to be adding insult to injury. It brings to my mind the story of a man who was hunting and failed to find anything to shoot during the whole day. At nightfall he managed to make a little fire, for he was belated in the mountains away from any human being and he was as hungry as as hungry could be. He did not know what to do; he was faint and exhausted, and after building a little fire his dog came along and he looked at his animal, who had a remarkably fine tail, and it struck him that he might supply his necessity for the moment, and he cut the tail off roasted it on the fire and ate every particle of the flesh that was on the tail, and after he had done so threw the bare bones to the dog. Now, it really looks very much as if the gentlemen who say you have the slabs, were as indifferent to the injury they caused as the man throwing the bare

bone to the dog. At all events there is a great injury done, and is going on and should be stopped. I really think, however, that it would be a serious matter for the government of the country to say that these men who have for the last eight weeks at all events, been acting in direct violation of the statute ought to be free from fines they are liable to, and their conduct to be condoned by an Act of Parliament. I would be sorry if any course taken by my hon. friend from Rideau would interfere with the bill in its general operation, in its outside operation, but if the hon. Minister of Agriculture could not see his way to so modify it that it would not touch the River Ottawa, although it would go against the grain to vote against a government measure, I should rather vote against a government measure with all the benefits I can see would grow from it, rather than have this injury continue to be perpetrated upon a long suffering people.

Hon. Mr. SCOTT moved the adjournment of the debate.

The motion was agreed to.

## DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (116) "An Act to amend the Dominion Lands Act." He said:—This will advance the bill a stage and we can go fully into a discussion of the merits in committee. The bill simply extends the power which was given to the Minister of the Interior by a short Act passed last session, to enable him to dispose of school lands in the North-west Territories, and in Manitoba, that were settled upon by *bona fide* settlers before they knew that they were school lands. Provision is made to place to the credit of the schools lands of an equal quantity and quality.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 28th June, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proecedings.

## BILL INTRODUCED.

Bill (M) "An Act for the settlement of certain questions between the Government of Canada and British Columbia relating to lands in the railway belt of British Columbia."—(Sir Mackenzie Bowell.)

## SALE OF IMMORAL BOOKS IN QUEBEC.

INQUIRY.

Hon. Mr. BELLEROSE inquired:

Whether the Honourable the Minister of Justice, before ordering the release of one Frédéric Desjardins, imprisoned in Quebec jail, at the beginning of the present year, under a conviction, in October last, for having sold immoral books, referred the petition for release to the judge who heard the case and pronounced the sentence?

2. What was the judge's reply?

Hon. Sir MACKENZIE BOWELL—The information from the Minister of Justice is that this case was referred to the judge, but in all cases the judge's report upon an application of this kind is considered private and confidential for the use of the department.

## ST. CATHARINES AND NIAGARA CENTRAL RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. SANFORD moved the third reading of Bill (60) "An Act respecting the St. Catharines and Niagara Central Railway Company, and to change the name of the company to the Niagara, Hamilton and Pacific Railway Company."

Hon. Mr. POWER moved:

That the bill be not now read a third time, but that it be amended by adding the following clause:—

"10. The provisions of the law of the province of Ontario with respect to drainage shall apply to the extension and branches of the company's line authorized by this Act and constructed after its passing, in the same manner as if such extensions

and branches were railways within the legislative authority of the said province."

He said:—Since putting this notice on the paper I have received two telegrams and one letter from prominent friends requesting me to allow the notice to drop. I should have been very glad, indeed, to have done what I reasonably could to oblige the gentlemen from whom I received those communications, but, inasmuch as I gave the notice actuated rather by a sense of my duty as a member of the Senate than by any personal feelings whatever, I feel regretfully that I am obliged to go on with the motion. The reasons why this amendment should be made are quite plain. In the first place we made a similar amendment to similar bills which have already passed the House this session, and as a matter of equity we should treat this undertaking in the same way that we have treated other undertakings. That is a reasonable proposition. I know that a point was raised as to the fact that this was not a new corporation—that a corporation already existed—but the point is not whether the corporation is new, but whether the undertaking is new or not. This corporation, under one name or another, has been in existence for about 20 years. Within the last few years, I understand, they have constructed some 12 miles of railway. Under the bill which is now before the House they take power to construct something more than 100 miles of new railway—new branches running to different points and new extensions, and the decision which the committee came to equitably and properly applies to this undertaking. There is no reason on the face of it why the Ontario law with respect to drainage, which is a reasonable law and has not been found fault with by anyone, should not apply to railways as well as to other persons or corporations.

Hon. Mr. MACINNES (Burlington)—If the clauses in the Railway Act do not provide a remedy for the grievance complained of, and if the interests of the farmers in any municipality are not sufficiently protected by these clauses, I presume that the government will see that they are made so. It is my opinion that the better course will be to arrive at an understanding as to this, rather than to be adding such a clause—a controversial clause—to bills in their passage through the Senate. If our amendments are not agreed to by the other House, the bills will be returned, which may jeopardize their passing this session.

Hon. Mr. CLEMOW—They have agreed to such amendments.

Hon. Mr. MACINNES (Burlington)—At all events they jeopardize the passage of the bill and it may not be passed this session.

Hon. Mr. MILLER—I am very indifferent as to whether the amendment is adopted by the House or not, but even if it is adopted by the House I have very grave doubts that it can be effective in any way. I do not think the language of the amendment will bring into operation the Ontario Act, which expressly says it shall refer only to railways within control of the provincial legislature. Therefore my own opinion is that if we add this amendment it will not prove operative or effect the purpose for which it is intended. I have, however, another reason for not desiring to see this amendment adopted, although I shall not divide the House on it. It is this: That this subject came under discussion in the railway committee at one of its meetings, and a sub-committeee was appointed for the purpose of considering the whole matter. That committee after careful consideration of the subject, came to a decision which was afterwards ratified by the railway committee and was acted upon, and I think, accepted by this House. The second clause of the report of that committee was to this effect.

Your sub-committee recommend that a similar clause be added to all future bills for the incorporation of railway companies until such time as the Railway Act is so amended so as to make similar provision.

It was perfectly understood in the committee—at least it was understood by two members of the committee because they assured me so, and by myself who was the chairman of that committee, and had the casting vote—that this clause was not to apply to any company already incorporated, but simply to companies to be incorporated in the future. I think the language of the recommendation is very clear, and that was reported to the joint committee and adopted by them. The objection to the course recommended by the hon. member from Halifax is that we would have the same railway, perhaps, under the control of both

the Ontario laws and the Dominion laws, and have to go in one case to the Ontario authorities to settle disputes in connection with the railway, and in the other case to the railway committee of the Privy Council. We thought, therefore, that it was just as well not to apply this provision to railways already incorporated, but as it was a wise provision and in harmony with the legislation of the province of Ontario, which was interested in the bill then under the consideration of the railway committee, it was proper that such a precedent should be established in regard to these roads as the sub-committee recommended Now, as I said, I do not feel any personal interest in this matter whatever, but I think we ought to be bound to some extent by the report of the committee and therefore that we should not apply this amendment to a new act of incorporation. It has been stated that we have already applied this provision to bills which have been before us. I think it will be found, on reference to those bills, that they were new acts of incorporation. I will not speak positively ; I speak subject to correction. I think it will be found at any rate on reference to the bill alluded to in the report of the sub-committee that it was a new bill—a company seeking for the first time an act of incorporation. I wish the House to understand how the matter stands, but I shall not divide the House on it, if there appears to be a general impression that it should be added.

Hon. Mr. McCLELAN—The Shore Line Railway Company, in whose bill that amendment was made, was an old company.

Hon. Mr. MILLER—We passed a bill through this body some years ago embodying this principle, and it was not ratified by the House of Commons, and the impression of the sub-committee and the general committee on railways was that perhaps by sending a reminder down to the House of Commons we would in the end induce them to accept the legislation we had endeavoured to pass through Parliament two years ago.

Hon. Mr. McMILLAN—I do not see why we should make fish of one and flesh of another and allow this bill to go through Parliament without adding the proposed amendment. I have taken the trouble to look into the history of this railway company and I find that the first legislation they obtained was in the year 1881. They got then a charter to build a road from St. Catharines to Bismack and then to Smithfield near Caledonia, or some other point on the Grand River near Canfield station on the Grand Trunk Railway. I happen to know a little of the geography of that country and I know just exactly where those roads are located. To that charter they got an amendment in 1882 to give power to build a road to Hamilton and thence to Toronto, and also to build a line to Victoria, in the county of Welland. That is amendment No. 1 to the original charter ; amendment No. 2 was in 1885. They got power then to build the road to Thorold, in the county of Welland. The amendment in 1887 was to build a line on the Hamilton and Toronto road, from near Oakville or Port Credit to a place called Cooksville on the Credit Valley Railway. In 1890 they came back again and got power to build a road to the village of Burlington. In 1891 they came back and got power to build a branch line to any railway bridge on the Niagara River to connect with any railway in the state of New York, with power to lease to the Canadian Pacific Railway, the Canada Southern, the Grand Trunk Railway, or any of its branches. In 1892 they came back here and asked for an extension of time to commence the work on the main line, and in 1894 they came back andasked for a further extension of time. This year they come back again to ask, not only for a further extension of time, but for a spider-like charter with a longer leg to the spider than they ever had before.

Hon Mr. KAULBACH—How much more ?

Hon. Mr. McMILLAN—About one hundred miles, and the other would be ninety.

Hon. Mr. McINNES (B. C.)—How many legs would the spider have ?

Hon. Mr. McMILLAN—I do not know how many legs, but there is one long leg to this one. I am not opposing the granting of the charter. I would let them have it. It seems to be a charter for the purpose of speculation. I am convinced that that is at the bottom of it. Let me tell you this, that although they have had that charter for nearly fifteen years, all they have built in ten years is the neck of the spider from St. Catharines to Niagara River bridge, about

ten miles. All the rest of the road is there without a shovelful of earth being turned. Now the argument of the hon. gentleman from Richmond would be of course proper and all right if this could be construed into an old charter. But really if you read this bill you will find that the most important part is the extension which they want now to build, which is from Hamilton to Brantford in a westerly direction, and from there to Woodstock and from Woodstock to either Port Dover or Port Burwell, on Lake Erie, and then another branch running from Thorold until they strike the main branch leading from Hamilton to St. Catharines, means about one hundred miles of new railway, and if it is not so expressed in the report of the sub-committee it ought to apply to an old company that would be looking for the privilege of building a railway where the extension is greater than the original line, I must say it is simply the failure of expressing it in so many words. The sp rit of that clause in the sub-committee report must certainly mean that an important extension like this ought to come under the operation of that clause. I therefore have pleasure in supporting the amendment, and I think we ought to incorporate the clause in this bill just as well as in other bills, and not make fish of one and flesh of another.

Hon. Mr. KAULBACH—In the committee I voted in favour of the bill without any amendment, which was carried by one vote. Had my hon. friend from Alexandria then presented the fact that he has submitted now, I should have voted in the direction that this amendment takes, which is that the Ontario law with respect to drainage shall apply to the extensions and branches of the company's line authorized by this bill. Although we then agreed upon a principle that should apply to all bills to incorporate new companies, yet it was not considered then that we were bound solely by that. In a case like this, where it is proposed to extend a line to such an extent that the original charter is lost sight of, we should apply the same principle to this that we would to a new company. The only hesitancy that I have about it is the statement of regret made by the hon. gentleman from Halifax, that he had given the notice previous to receiving those letters, intimating thereby that if he had got those letters before the notice was published he might not have moved it. I should like to see those letters which caused him to hesitate. This being virtually a new company, we are not confined to the principle which was adopted by the committee.

Hon. Mr. SANFORD—I think we are all very greatly indebted to the hon. gentleman from Glengarry for his exhaustive explanation. If anything could be said more than another to show his perseverance, patient temper and constant effort in well-doing, surely the report would convince us. It is true that this enterprise, like very many others, has been a long time reaching the point which it has reached to-day. We all know that these railway enterprises are frequently entered upon with an understanding, sometimes tacit, sometimes in writing, that certain capitalists will aid them to build the road. This was the explanation at the time that these gentlemen undertook the project. They were some of the most respectable residents of St. Catharines and one or two of them have placed in the railway at the present time some hundreds of thousands of dollars, and have made themselves liable for even larger amounts.

Hon. Mr. McMILLAN—I want the hon. gentleman to understand that I am not opposing the third reading of the bill. I am only supporting the amendment.

Hon. Mr. SANFORD—They come before you with every assurance that men of large capital are prepared to take up the enterprise and push it forward to completion. It would occur to me that a road with a charter in existence 15 years has certain rights that should be recognized here, and I do not think that we are at liberty to interfere with those rights when doing so involves an increased expenditure. It is true the route has been changed to some extent, but while that is so the mileage is about the same. The most serious objection to the proposed change is that it means delay, and at this stage of the session we should not like to have this bill thrown out. It is too important in the section of the country through which the road is to pass. I hope you will consider this and pass this bill and if there is anything in the Railway Act of the province of Ontario that commends it-

self so specially to the members of this honourable House, why not call the attention of the Minister of Railways to the section and have it inserted in the Dominion Railway Act? We would then avoid an immense amount of difficulty and all new bills would be subject to the new legislation.

Hon. Mr. GOWAN—I am sorry to differ from friends with whom I have always had great pleasure in acting, nor would I say anything in this case if I did not feel very strongly that my hon. friend from Halifax had made a proposition which is alike anomalous and unconstitutional. He proposes that the provisions of the law of Ontario shall apply to this railway. I know something of the laws relating to drainage—and I entirely approve of them in the main and should very much like to see Parliament adopt laws of a similar character by inserting them in the General Railway Act—but a general clause of this kind adopting laws of an independent legislature is unheard of. I think it is a very grave step and would be very dangerous. We know not the moment an independent legislature may change the law. It would be full of complications and difficulties apart from the inconvenience of putting the corporation under two or more distinct legislatures. Roads incorporated by the Parliament of Canada should be regulated and governed by the creating power alone. I must vote against the amendment.

Hon. Mr. SCOTT—This matter was very fully discussed by the Railway Committee, and a majority (of only one, I admit) decided upon adopting the principle we have laid down. The House will be able to judge whether this bill comes within the category or not. The other day the Canada Southern asked for legislation to build a branch, and that was debated, and it was held that it would not be fair to apply the principle to that line, because it was part of the Canada Southern Railway. The committee had decided that this principle should not be held to apply to existing railways. It would be absurd to have a law applying to part of a railway and not to another portion. This is the clause in the minutes relating to the matter :

> Your sub-committee also recommends that a similar clause (that is, the drainage clause, which is proposed to be added to this bill) be added to all future bills for the incorporation of railway companies, until such time as the Railway Act is so amended as to make similar provision.

I think it is clear that this relates only to companies which are applying for incorporation for the first time. That was the interpretation put upon it in the case of the branch of the Canada Southern. An uncontradicted statement has been made that the law of Ontario is fair to the railways. I challenge that statement, and I will give my reasons for doing so. Those questions do not arise when a road is being constructed, for the reason that the company is obliged to open up culverts and ditches for all the waters then existing. That is the law, and I never heard of a railway attempting to contravene it. They invariably, in their own interests, make provision for years to come, but after a time the principle of drainage—a very proper principle to be favoured in every way —spreads and enlarges. Men whose farms do not border on the railway find that they can get the best outlet by running to a railway and have the ditches enlarged. I ask hon. gentlemen now whether the railway company ought to pay for the increased drainage that affects lands that are not even adjacent to the line?

Hon. Mr. McMILLAN—The law of Ontario governing water viewers would only put upon the railway the percentage of expense that it ought to bear, and it might put a portion of it on farms three or four miles off.

Hon. Mr. SCOTT—The railway law is this, that those lands that are benefited pay for it except in the case of the railway. I will refer to the clause because I do not think it is quite proper that a statement of the kind should go unchallenged. As far as the individual owners of the land are concerned, if a ditch crosses their property and is for the benefit of persons beyond, it is assessed against the persons interested, but not so in the case of a railway. When they come to the railway ditch, the municipality in Ontario can order the ditch to be opened and a new culvert made if the existing one is not sufficiently large. Last session the law relating to ditches and water courses in Ontario was not only amended but consolidated. The section which deals with the matter is section 21, and it would

be eminently fair if there were not a rider attached to it, as follows :—

No agreement with a railway company shall be entered into by a municipal council under this section which will impose a special liability on the owners without the consent in writing, filed with the clerk of the municipality, of two-thirds of the owners liable for the construction of the ditch in respect to which work on railway lands is to be undertaken.

I ask hon. gentlemen whether that is a fair subsection? The preceding paragraph is eminently right and proper, but the subsection to it makes it entirely dependent on the railway company getting a requisition from two-thirds of all the people benefited before the council is authorized to divide the costs.

Hon. Mr. McMILLAN—How will that apply to a charter that is obtained from the Parliament of Canada? They will tell you at once that they have nothing to do with the municipality or with the laws of Ontario.

Hon. Mr. SCOTT—I quite agree with the hon. gentleman, but what you claim is that all railways hereafter should come under the Ontario law.

Hon. Mr. McMILLAN—Only as far as that is concerned.

Hon. Mr. SCOTT—As far as this particular question of ditching is concerned, and that is what we are discussing. The idea of those gentlemen who are desirous of adding that as a rider to all bills to be passed in this chamber is that the laws of Ontario are eminently fair to the railway company, and the railway company has a fair show as between the people and the municipality. I ask hon. gentlemen to say whether the railway company has the smallest chance of not being charged with the whole amount.

Hon. Mr. McMILLAN—I had some experience, and I know the railway company succeeded.

Hon. Mr. SCOTT—I have had some experience—quite as much as the hon. gentleman, and perhaps more. The other day I saw one of those notices where the railway company was not any more interested in the proposed drain than the hon. gentleman would be, but a number of individuals intimated that the railway company, for their convenience, must deepen their ditches and make new culverts at a cost of probably six or seven hundred dollars. If that clause existed in this charter, the railway company would be obliged to obey the dictation of those three or four, or eight or ten persons in a municipality who believed that they were going to be benefited by the deepening of railway ditches and enlarging culverts, and the railway company would be utterly powerless.

Hon. Mr. POWER—The hon. gentleman has not read what precedes that section.

Hon. Mr. SCOTT—The agreement with the railway company must be ratified by two-thirds of the people interested.

Hon. Mr. POWER—But if it is not?

Hon. Mr. SCOTT—Then the railway must bear the costs.

Hon. Mr. POWER—Does the law say so?

Hon. Mr. SCOTT—Certainly.

Hon. Mr. POWER—Will the hon. gentleman read the passage where it says so?

Hon. Mr. SCOTT—Do you mean to say that the law lays down that a ditch can be constructed until it reaches a railway and that the railway track may obstruct it?

Hon. Mr. McMILLAN—Yes, I had a trial of it and the award was made against us.

Hon. Mr. SCOTT—As the law stands the Railway Committee of the Privy Council has power to deal with all those questions and say what portion the railway company shall contribute and at what point the culvert shall be put in for the public safety, and the whole jurisdiction is here. As I have said before, I challenge anybody to show that it will cost the council any more to write a letter to Ottawa and obtain an opinion from the railway committee here than to decide the question in the locality.

Hon. Mr. McCALLUM—That is the second time the hon. gentleman has uttered that challenge and I have answered him already.

Hon. Mr. SCOTT—As a rule the railway committee hold their meetings when there is

any business to be done. However, I am not going to discuss that. I simply rose to read the Ontario law which hon. gentlemen say is eminently fair. It is either valueless or else it is subject to the condition that I have stated, that in order to exempt the railway company from meeting the entire expenses, two-thirds of the people who are beneficially interested must agree to charge the municipality with a proportion.

Hon. Mr. KAULBACH—This only asks to apply the laws of Ontario to the branch asked for by this bill.

Hon. Mr. McCALLUM—We are told that this is an old charter. I should like to ask the promoter of this bill or anyone else if it is an old charter that covers the line from Brantford to Hamilton, which is at least 20 miles, from Brantford to Woodstock, 20 miles, from Woodstock to Port Dover, 18 miles, and from there to Port Burwell, 20 miles, and so on, until you have got over 100 miles of a railway tacked on, as my hon. friend says, to 10 miles of railway now built. I want hon. gentlemen to consider this fact: if you are to provide for drainage, you can do it much easier when building a road than afterwards, and the understanding with the committee was this —and I appeal to those who were present to confirm what I say—to apply the clause to new undertakings and not to railways which are built. If you are going to split hairs and say this is an old charter, of course the contention of the hon. gentleman from Richmond will apply. The hon. gentleman from Ottawa is very desirous that the farmers should pay the expense. On every occasion when this question is brought before the House, he has fought it from the word "go." He is always looking after the interests of the railway companies, and he tells you, "here now, all that the municipality has to do is to write a letter to the Railway Committee of the Privy Council and get the dispute settled." I am perfectly satisfied if the farmers of this country could go conveniently before the Railway Committee of the Privy Council they would get justice. But the question is this: are you going to bring the people of this country here from Halifax or from Vancouver when they have any trouble about draining their land? My hon. friend says all you have got to do is to write a letter. At the last meeting of the Railway Committee over here, the reeve of the town of Wainfleet was here: unfortunately we did not reach the case that day. They were asked to pay $300, and what did the railway company do? I was over at the meeting looking after the interests of the people. The company said: "If you will let the thing drop we will take $100," but before making the offer they had put the people to the trouble of coming all the way here, but did not tell them they wanted to settle for $100. I have no doubt the municipality will pay the money rather than come back to the Railway Committee of the Privy Council. Now I have tried to get legislation in this matter in the Senate. I brought in a bill twice. The first time it was defeated in the Railway Committee of the House of Commons. Then I sent a copy of that bill to every county council in the province of Ontario. In order to get them to instruct their members to support the measure when it came to the House of Commons. I know many of them were instructed to do so, but the railway interest was so strong that when it came to the House they defeated it. I got a friend who was not controlled by the railways of this country to take it up and he had a division in the House of Commons on the measure. I cannot do better than to read you this bill which went through the Senate twice. My hon. friend from Ottawa is very much alarmed about the danger to life and property if the Drainage Act should apply to railways. I stand here and I say that in all cases the railway company should do the work. I would be very sorry to see the farmers in any municipality allowed to interfere with the railways, but as the law stands to-day, how are we situated? If there is a drain dug and even a culvert under the railway, and you clean out the ditch until you come to the railway, you cannot go on the railway property to clean the culvert, because if you do, you are liable to be taken up and fined for trespass and perhaps imprisoned. My hon. friend from Ottawa is very desirous that the lives of people carried on the railway should be safe. I am with him there, but whenever a question is brought up to grant relief to the farmers, as in the case of this Act, my hon. friend from Ottawa is on hand on behalf of the railways. I want everyone to under-

stand that that is the position which the hon. gentleman has taken on all occasions. Here is the bill that I got through this House in spite of all that the hon. member from Ottawa could do:

AN ACT TO AMEND "THE RAILWAY ACT."

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in section fourteen of "The Railway Act," it shall be the duty of every railway company under the jurisdiction of the Parliament of Canada, and without any such contribution as is hereinafter referred to, to maintain and keep in repair all necessary drains, ditches, and water-courses in existence at the passing of this Act, in and for lands belonging to or held by such Company.

2. Whenever the municipal council of any county, township, parish, or other municipality in Canada, either of its own motion or on the application of any inhabitant thereof, determines that it is necessary to construct a drain or ditch for the purpose of draining lands in the municipality across the lands and railway of any railway company, such drain or ditch shall, subject to the conditions hereinafter provided, be made and maintained across the line of such railway and lands, and on equitable terms to be settled as hereinafter provided.

3. Such council, hereinafter referred to as the applicant, may serve upon the company, by leaving the same with any agent or other officer in charge of the nearest station, a notice in writing of such decision, together with a description of the lands outside the railway to be benefitted by the proposed drainage, which notice shall be accompanied by plans and specifications prepared and certified by a civil engineer, or Dominion or provincial land surveyor, of that part or portion of the drain or ditch to be constructed across the company's lands and railway, and with an estimate, also prepared and certified, of the cost of constructing the said drain or ditch across its property, and if the estimated cost of such construction does not exceed the sum of eight hundred dollars, the railway company shall, after the expiration of a reasonable time, construct that part or portion of the said drain or ditch across its lands and railway of the same size and dimensions as are specified on the plans and specifications furnished as aforesaid, unless it disputes in the manner hereinafter mentioned the propriety of the proposed work, or the correctness of such notice, plan, specification, or estimate, in which case the dispute shall be inquired into and finally determined in the manner hereinafter provided.

4. If neither the applicant nor the company give notice of dispute as in the next section of this Act provided for, and if the company and the applicant do not agree as to whether the railway is to be benefited, as to what contribution the applicant should pay towards the construction of the work, and if the whole cost of construction does not exceed the sum of eight hundred dollars as estimated by a civil engineer or Dominion or provincial land surveyor as aforesaid, then the applicant may tender the railway company the sum that the applicant thinks is fair and just as its portion of the said cost of construction and may offer to bear afterwards such proportion of the maintenance as it may think just and fair, and if the railway company does not accept the amount so tendered, or if it disputes that the offer for the proper proportion of future maintenance, then the proportion of the cost of construction and maintenance, or of either as the case may be, that each shall pay or bear, or the question whether it shall be borne altogether by the applicant, shall be decided by arbitration, and any amount or amounts awarded by the arbitrator or arbitrators to be paid to the railway company in respect of such construction or maintenance, shall from time to time be collectable from the applicant as a judgment of a court of competant jurisdiction for the amount or amounts so awarded to the company, or if the award determines upon the proportion of the cost of construction or maintenance payable by the applicant, without mentioning the amount, then such proportion shall be recoverable before any court of competent jurisdiction, and the judgment or award of the arbitrator or arbitrators shall have the same force and effect and be as binding and conclusive as if it had been made by arbitrators concerning the expropriation of land under "*The Railway Act*," and the appointment of an arbitrator or arbitrators and the mode of procedure under this Act as to arbitration, shall be, as nearly as may be, in the same manner as provided in "*The Railway Act*," from section one hundred and forty-six to section one hundred and sixty-one inclusive.

5. If any dispute, other than concerning the respective proportions of contribution which are to be settled by arbitration as aforesaid, shall arise between the applicant and the company, either in regard to the safety or suitability of the place designated for the work or the sufficiency or correctness of any plans, specifications or estimate, or the propriety of the proposed work, or the manner in which the same is to be maintained, or otherwise, the party disputing may, within thirty days after receipt of such plans, specifications or estimate, give notice in writing of the objections to the other party and to the Minister of Railways, and thereupon the Minister or the Railway Committee of the Privy Council may cause an inspection of the locality to be made by such person as he or they may appoint, and the dispute may be enquired into on the spot by such proceedings as he or they may direct, after which the Railway Committee may make such order in the premises as they shall deem fit and proper, which order shall finally determine such dispute.

6. Every railway company shall be subject to all general municipal regulations, not inconsistent with this Act, respecting the maintenance and repair of drains, ditches and water-courses in any county, parish, township or municipality in Canada through which the railway passes, unless exempted therefrom by the special Act of incorporation: Provided always, that nothing herein contained shall authorize any municipality by any rule or regulation to compel the use of the drains of the railway company for the purposes of general drainage other than is authorized by law.

7. Every notice given by the applicant shall contain a post office address within the Dominion of Canada to which notices intended for the applicant may be addressed, and any notice to be given

to the applicant shall be sufficiently given if posted by registered letter in any post office of the Dominion of Canada directed to the address so given.

8. The provisions of "*The Railway Act*" with respect to drainage shall continue to apply to all cases not provided for by this Act, and all provisions of "*The Railway Act*," not inconsistent with this Act, including those with respect to suits and penalties, shall also apply to all such cases.

Mark you, the railway company is to construct the drain at all times, and that will do away with some of the remarks of my hon. friend from Ottawa. Now this bill was opposed by my hon. friend from Ottawa from the word "go" all the time, and he never ceased his opposition to this day. My hon. friend from Sarnia is very anxious that the government should amend the Railway Act in the same direction, but was not so anxious for the bill that I introduced, because he opposed it then. The principal reason for this amendment is because we want to have disputes settled right on the spot. The trouble is bringing the people here. I have confidence in the government even on the saw-dust question, but I am losing confidence on this matter and why? Because I found they allowed my bill, after passing through the Senate, to be defeated in the House of Commons, and I cannot do better now than put on record the votes on that measure, so that the people may know, on the eve of an election, who are their friends. With due respect to the Senate, I can put the yeas and nays in the debates, because I feel proud that there were enough members in the Senate to carry the bill. It was supported by Sir John Abbott and was sent down to the other House, and by the railway influence was defeated twice in the railway committee. But the votes are on record. The six months' hoist was moved in the Senate the last time my bill was before us. I will read the names of those who voted against it:

*Yeas.*—Almon, Armand, Baillargeon, Botsford, Cochrane, Girard, Glasier, Guévremont, Howlan, Lacoste, Montgomery, Murphy, O'Donohoe, Ogilvie, Prowse, Scott, Smith, Vidal,—18.

All the rest at the House voted for it, but I am glad to see my hon. friend from Sarnia is coming around to my opinion. He says we ought to have it now, and see what a change it brings about, although he voted against that reasonable proposition when it was supported by Sir John Abbott. I understood him to say the other day that the government ought to amend the Railway Act in this direction so as to give the people relief. I want them to come down and amend this law. I even put a copy of this bill in the hands of the leader of the House to see if he would take action. I did not beg of him to do it, because he is governing this country. I have said that I would put the vote that was taken on my bill in the House of Commons on record in our debates. When I sent copies of the bill to many of the counties, instructions were given to their representatives in the Commons that the amendment should be made the law of this country. Well, did they do it? No; they defeated me twice in the railway committee. I got the bill put on the Orders of the Day in the House of Commons, because I wanted to show who were the friends of justice and who were carried away by the influence of the railways. The six months' hoist was moved in respect to this bill, and those who voted for the motion were the following:

*Yeas.*—Amyot, Audet, Béchard, Bérgeron, Bergin, Borden, Bourassa, Bowell, Cameron, Campbell, Caron (Sir Adolphe), Chapleau, Cimon, Cockburn, Colby, Curran, Daly, Davin, Dawson, Denison, Desjardins, Dewdney, Dickey, Doyon, Dupont, Earle, Edgar, Ferguson (Leeds and Grenville), Ferguson (Welland), Fiset, Freeman, Gauthier, Gigault, Godbout, Grandbois, Guillet, Haggart, Hale, Hall, Hesson, Hickey, Holton, Jones (Digby), Kenny, Labrosse, Lang, Langevin (Sir Hector), LaRivière, Laurie (Lieut.-General), Livingston, Macdonald (Sir John), Macdowall, McDonald (Victoria), McDougall (Cape Breton), McKay, McKeen, McMillan (Vaudreuil), Mara, Masson, Meigs, Mills (Annapolis), Mitchell, Moncreiff, Montague, Patterson (Essex), Perry, Pope, Putnam, Rinfret, Riopel, Robertson, Scriver, Shanly, Small, Taylor, Thérien, Thompson (Sir John), Trow, Vanasse, Weldon (Albert), Wilmot, Wilson, (Elgin), Wood (Brockville), Yeo.—85.

Here are the members who were favourable to my contention, and I want the people of this country to remember them now on the eve of election, and to remember the other members too. If we do not get relief, as far as this old man's voice will extend it will be heard in the province of Ontario on this question. He is not dead yet, but only sleeping. Here are the members who voted with me.

*Nays.*—Armstrong, Bain (Wentworth), Barron, Blake, Boisvert, Bowman, Boyle, Brien, Cargill, Carpenter, Cartwright (Sir Richard), Casey, Charlton, Choquette, Coughlin, Davies, De St. Georges, Dessaint, Dickinson, Gordon, Innes, Jamieson, Jones (Halifax), Kirk, Landerkin, Laurier, Macdonald (Huron), McCarthy, McCulla, McMillan (Huron), McMullen, McNeill, Mulock, Neveux,

O'Brien, Paterson (Brant), Platt, Purcell, Roome, Rowand, Ste. Marie, Semple, Somerville, Tyrwhitt, Wallace, Watson, White (Cardwell).—47.

Those are the gentlemen who stood by the interests of the farmers of this country. Now I ask the government, for the purpose of saving further trouble, to bring in an amendment to the Railway Act as indicated by the bill which I have read to the House. It is in the interest of the country at large and in the interest of the railways themselves. Why should the government of this country persecute the people by compelling them to come to Ottawa to settle a dispute? They say they cannot get justice—that the procedure is too expensive. I would ask the government to put a stop to this whole thing. If the leader will make a declaration that he will amend that law in the direction that I have advocated it will be all right. That is what his predecessor in the Senate sanctioned. Sir John Abbott was a great man, whose death is still lamented by many people in this country. He gave me a promise a year or two before he died that when amending the Railway Act the following year he would bring in an amendment, but he was so much taken up by other work that he did not have time to do it, and I brought in a bill myself. Now I ask the government to seriously consider this matter, and bring in a government measure this session.

Hon. Mr. POWER—They could not get it through the Commons this session.

Hon. Mr. McCALLUM—Yes, it can be done. I have no doubt you will find my hon. friend from Ottawa and the railway interest opposing it, but the bill will pass here all right. I ask a favour of my leader, and in his own interest to do this—because he knows I have the interest of the people of this country at heart, and I am asking nothing unreasonable. I invite his attention particularly to this because if it is not changed now, it will be a factor in the election that we are on the eve of now.

Hon. Sir MACKENZIE BOWELL—I can only say in reply to the appeal made by the hon. gentleman from Monck that I am not in a position to give the promise which he endeavours to exact from me. He has pointed out the manner in which I voted on the same question when I occupied a seat in the House of Commons. I have yet to learn the propriety of changing that vote. I am not in accord, I know, with some of my friends on this question, probably not even my colleague on my right, the Minister of Agriculture. This is a matter of such grave importance that it is worthy of the most serious consideration of the government. What I object to, and what I think is laying down an exceedingly dangerous principle, is the embodying in an Act passed by Dominion Parliament the law for the time being of any province. I am not questioning the propriety of the law itself, because I readily conceive that the senator for Monck has a better practical knowledge on this question than I have, but I am of opinion that if the law as it stands upon the statute-book of the province of Ontario to-day is the best law to govern and rule and control the railways in reference to drainage, it should be made a part of the Railway Act of the Dominion and not subject to whatever changes might be suggested by a local legislature. How do we know that if the laws of the local legislature should be made applicable to the Dominion railways that they would be suitable? Even my hon. friend would shudder at the idea of making a law of Quebec or some other province applicable to the Dominion railways of this country. I have had some little experience upon the Railway Committee of the Privy Council, and while I admit the delay and the expenses incidental to an application, I have yet to learn of a single case in which the members of the Railway Committee of the Privy Council have not acceded to every just and legitimate demand made by any municipality or by any individual. The objects of that committee are none other than to protect the interests of the people who are affected by the construction of a railway; and the railway people and those who have invested their money in railways have as good a right to be protected under the law as the people through whose farms the railways pass. I do not say that they should be in a position to deny the right of a farmer, or of a municipality, to insist upon drains being made sufficiently large and deep to accomplish the object for which they are built, but I do know this, and so does every man who has had anything at all to do with municipalities or individuals, that unfortunately every inducement is offered by the municipality, by the county

and by the individual to secure a railway. There is no question about that. I have gone through a good deal of this electioneering, if I may so call it, in favour of bonuses and getting from municipalities assistance to railways. I have assisted those municipalities in securing what I believed to be their rights, and while I found the people upon every occasion anxious and willing to secure the benefits which arise from the construction of railways, and before the construction is prepared almost to make any concession, immediately they get it a fixture, they take every advantage they can of a railway. I do not think it is necessary I should tell my hon. friend from Monck that. He knows it as well as I do. I am afraid it is human nature and operates with all of us. The moment you have that within your reach and grasp, and you can exact a little more by any process whatever, you will take it from a corporation. I have made these remarks in justification of the vote which I gave in 1890 in the House of Commons, when my late chief, the Hon. Sir John Macdonald, moved to throw out the bill. While I admit there is much force in the argument of the hon. gentleman, I say if the law is to be amended in that respect it should be made a part of the statute regulating and controlling all Dominion railways, and not tacked on to any private bill or applied to a particular locality in a particular province through which the railway may run. We may have railways running through two or three provinces, and if this amendment is to be the law, then the law affecting railways in Ontario must apply to the portion of the line in that province; in Quebec, the laws of the province must apply, and so on through the maritime provinces. Let us have one general law. I promise my hon. friend, knowing how earnest he is, that the suggestion he makes shall be considered. I need not refer to the private relations which have existed between us. We have for years acted personally and politically together. I need not refer to that further than to say that he has no more confidence in me personally than I have in him. I know that in acting as he does he is actuated by the very best motives, but at the same time I must be permitted, with my limited knowledge of these matters, to differ from him as to the manner in which those views should be carried out. My impression is that the majority of the Senate is with the hon. gentleman, but ever since I have been in political life I have tried to have some little opinion of my own. I should like very much not to see this principle adopted in the manner in which it is proposed here. The constitutional question I leave my hon. friend from Barrie to discuss. I repeat, I do not like the idea of fastening on the Dominion the legislation of any local legislature which may be changed every year whenever the question comes up.

The Senate then divided on the amendment which was rejected by the following vote:

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## THIRD READINGS.

Bill (92) "An Act to amend the Insurance Act."

Bill (K) "An Act to amend the Companies Act."—(Mr. MacInnes, Burlington.)

Bill (I) "An Act for the relief of Julia Ethel Chute."—(Mr. Clemow.)

## DOMINION LANDS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on the Bill (116) "An Act further to amend the Dominion Lands Act."

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I have an amendment to move to extend the power to dispose of certain school lands which are situated within the boundaries of the Cochrane ranch, as follows:—

3. Notwithstanding anything in the Dominion Lands Act, the Governor in Council may on such conditions as he deems proper, sell to the Cochrane Ranch Company the following school lands, namely:—Section 11 in township 3, range 28, west of the fourth principal meridian, and so much of section 29, in township 3, range 27, west of the fourth principal meridian, as lies north of the Belly river: Provided, that such sale shall not take place until the Minister of the Interior has, by notice in the *Canada Gazette*, set apart as school lands, in lieu thereof other public lands of equal extent and value as nearly as may be.

It is easily understood that some of the school sections that are situated in the centre of tracts owned by ranching companies would be useless for school purposes, now or hereafter, and the object of the amendment which I propose is to enable the Minister of the Interior to dispose of those lands situated in the territory not likely to become settled. The Cochrane Ranching Company have purchased some 16,000 acres of land, and school lands are situated in the centre of their ranch—the object of this clause is to enable the department to dispose of the school sections to the Cochrane Ranching Company, substituting land of equal value and extent in other portions of the territory.

Hon. Mr. SCOTT—I thought the ranchers held their lands under lease.

Hon. Sir MACKENZIE BOWELL—These lands were originally leased to the company with a right to purchase at a certain price. The Cochrane Ranching Company have purchased largely, as have some others.

Hon. Mr. SCOTT—I suppose the school lands will be selected as nearly as possible in that locality?

Hon. Sir MACKENZIE BOWELL—Yes, that is the principle. If it is necessary for the sake of settlement, where a ranch is leased—the lease may be cancelled and the land disposed of to settlers. Of course it is a different matter where the land becomes freehold.

Hon. Mr. POWER—The ranching companies, I presume, do not intend to permanently retain the property for ranching purposes; and then, when this large tract of land is settled up, it would be much more convenient to have the school lands in the middle of the settlement than in some comparatively remote place.

Hon. Sir MACKENZIE BOWELL—It becomes a *bona fide* freehold in the case of purchase, and they can hold it as long as they please. If they decide hereafter to lay it out and dispose of it for settlement, they would be in the same position as any other private holders of land.

Hon. Mr. ALMON—Can you give us any idea of how much has been paid for this land?

Hon. Sir MACKENZIE BOWELL—One dollar and twenty-five cents per acre is the amount which has been paid, and is still the price regulated by order in council.

The amendment was agreed to.

I have another clause which I propose adding to the bill. It is however but an addition to the present law, it is adopting in the present Act the clause which now forms part of the Dominion Lands Act as amended by chap. 27, 57 Victoria 1889. It reads as follows:

Section three of chapter twenty-seven of the statutes of 1889 is hereby repealed.

As respects every assignment or transfer of a homestead or a pre-emption right hold or acquired under any act relating to Dominion lands, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of this act, no such assignment or transfer or agreement shall be *ipso facto* null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted: Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has been issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence.

Nothing in the next preceding subclause contained shall in any manner have force or effect as respects any lands in relation to which the object matter of the said subclause has already been adjudicated upon, or is in question in any court of competent jurisdiction.

I may say the same clause, almost verbatim, forms the third clause of 52 Victoria, chapter 27, Dominion Lands Act, as amended, 1889. It is only added to the present bill in order to cover cases which have arisen since the law now upon the statute-book was passed. As I understand, parties having

homesteads are precluded from giving any securities upon the lands until they have obtained or completed their settlement duties, and obtained the patents therefor. In case of necessity to purchase any article that they would require to carry on their farming, it has been the habit of the parties disposing of these goods to settlers to write on the back of the notes, the location, the number of the lot, the name and concession and everything connected with it. Under the law of Manitoba, that being registered constitutes a lien upon the property. Now that would be valueless under the law as it at present stands, for the reason that the settler has no right to place any lien upon unpatented lands, but it enables him to obtain his supplies, or horses, or machinery, or whatever he may require to carry on operations; this clause is to declare that in certain cases unless there is fraud, or advantage has been taken of the settler, that it shall not operate as against the granting of patents, &c.

Hon. Mr. SCOTT—It brings them under the provincial law, I suppose?

Hon. Sir MACKENZIE BOWELL—To that extent, yes.

Hon. Mr. VIDAL, from the committee, reported the bill with amendments, which were concurred in.

## BILLS INTRODUCED.

Bill (113) "An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers."—(Sir Mackenzie Bowell.)

Bill (122) "An Act to amend the General Inspection Act."—(Sir Mackenzie Bowell.)

Bill (113) "An Act further to amend the Public Works' Act."—(Sir Mackenzie Bowell.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Tuesday, 2nd July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE NEW WESTMINSTER PENITENTIARY.

MOTIONS POSTPONED.

The following motions being called:

By the Honourable Mr. McInnes, (B.C.):—

That he will call the attention of the Senate, to the Report of Judge Drake, a commissioner appointed by the Government of Canada to investigate charges of irregularities in the British Columbia Penitentiary, and the presentment of the grand jury at New Westminster denouncing the reinstatement of James Fitzsimmons to the position of deputy warden of said penitentiary as "an insult to the self respecting portion of this community"; also, to the annual reports of J. G. Moylan, late inspector of penitentiaries. And that he will ask if it is the intention of the Government to dismiss the said James Fitzsimmons, and to appoint a royal commission to investigate the official conduct of the said J. G. Moylan?

By the Honourable Mr. McInnes, (B.C.):—

That the Senate regards the prompt dismissal of James Fitzsimmons, deputy warden of the British Columbia Penitentiary, and the appointment of a royal commission, (similar to that held by Mr. Justice Drake, in 1894, to investigate charges of irregularities in the British Columbia Penitentiary) to investigate charges of official misconduct on the part of J. G. Moylan, while acting as inspector of penitentiaries, as necessary in the interests of the public service.

Hon. Sir MACKENZIE BOWELL said: I have some papers relating to this matter to submit to the House. I only got them about fifteen minutes ago. The reason given me why the copy was not prepared at an earlier date was that they had been taken away by some members of the House of Commons, and the officials were unable to get them back. I now beg to lay upon the Table a copy of the instructions to Mr. Justice Drake relative to the inquiry into the New Westminster Penitentiary, and other papers connected with the investigation.

Hon. Mr. McINNES (B.C.)—As the papers have been at last laid upon the Table of the Senate I ask that these notices be placed on the Order Paper for Monday next, when I hope to be in a position to proceed with them. I trust that every hon. member who has taken the slightest interest in the charges against the management of the New Westminster Penitentiary will read the evidence taken before the commission and the report upon it.

The motions were allowed to stand until Monday next.

## THE MANITOBA SCHOOL QUESTION.

MOTION.

Hon. Mr. BERNIER moved:

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate, a copy of the Order in Council transmitting to His Honour the Lieutenant-Governor of

Manitoba, for the information of his government and the legislature of Manitoba, the petition and representations of their Lordships the Canadian Archbishops and Bishops, presented to the Senate during last session, *re* Manitoba School legislation; the answer of the government of Manitoba to said Order in Council; also, all correspondence respecting the same, between the Dominion Government and the Manitoba Government.

He said:—It has been my privilege within the last two weeks to address this House at some length upon the important question which is now engaging public attention. I may in the near future have to avail myself of the same privilege again. I shall therefore be brief in my remarks on the present occasion. I wish only to point out to this House the not altogether unimportant insight which we can get into the views of the Manitoba Government from their answer to the Order in Council to which this motion of mine refers. As every member of this honourable House must remember, it has been contended in some quarters that the remedial order issued in March last by this government was, in its nature, rather harsh and mandatory. It has been contended that the proper way would have been merely to approach the government of Manitoba with some mild invitation to reconsider their policy, so as to leave them freedom of action. It has been said that their dignity was affronted, that they could not afford to be dictated to in the terms of the remedial order. For my part, I am strongly of the opinion that the remedial order could not have been milder than it was. That opinion is shared, I dare say, by all those who do not regard the government of a country as child's play. But, hon. gentlemen, this view is strengthened by the action of the Manitoba Government on the Order in Council served upon them in July, 1894. That Order in Council was courteous and respectful and considerate of the provincial rights and dignity. It was an appeal to their sense of justice, based upon the earnest and most solemn representations coming from a body of men whose motives, fairness and ability cannot be impeached. That Order in Council had been drafted, issued and transmitted in a spirit of conciliation. There was nothing about it that could be construed as inconsistent with a due regard for the feelings of those to whom it was addressed. That was the hand of peace and harmony. That was the material with which all the difficulties could have been bridged over. The answer of the Manitoba Government, however, has been the reverse of conciliatory. When the papers are brought before this House, it will be seen that no attention whatever was paid to the character of the petitioners or to their just claims. It affirmed in language which, I regret to say, had about it an air of impudence in keeping with the injustice done by the legislation complained of; it reaffirmed the policy of the Government of Manitoba as embodied in their laws of 1890, and expressed their determination to refuse at any time in the future to take into consideration the grievances of the Catholics. That was the substance of the answer. In the meantime, the Catholics of Manitoba themselves approached the local government in the same spirit of conciliation. One day—on the 11th day of September, 1894—they marched up, over 500 in number, silent and with dignity, to the legislative buildings. Then and there a petition, signed by nearly 4,000 people, was presented to the government praying, in unequivocal, but at the same time courteous, terms, for such amendments to their laws as could relieve us from the disabilities we have been labouring under for the last five years. Here is our petition:

To the Honourable
The Premier and Members
of the Government of Manitoba.

We, the undersigned Catholics of the province of Manitoba, do respectfully represent:—

1. That we are unable, from motives of conscientious convictions, to participate in, or derive any benefit from a system of education as now carried on under the Public School Act of 1890 and amendments thereto.

2. That the heavy pecuniary sacrifices with which Catholics throughout the province have been burdened in consequence of said laws, for the last four years, even through the financial stringency of the present time, must remove any doubt as to the earnestness of their feelings and convince your Government of the gravity of their grievances.

3. That without sharing your petitioners' religious convictions that the taxation of Catholics for schools acceptable only to Protestants, is most oppressive and unfair, your government must feel that they can no longer, in their own concience, legitimately carry on the system, the result of which is injustice and oppression.

4. Therefore, your petitioners, as free born British subjects, do enter their firm and solemn protest against this unfair treatment at your hands; and do respectfully and earnestly pray, that your government take into their serious consideration the grievances of the Catholics of this province, and do pass such legislation as may be necessary to remedy such grievances to their full extent, and do assure to the said population the

full respect of their rights and conscientious feelings, the use of their school taxes, of their legitimate share of the public money voted for educational purposes in this province, and your petitioners, as n duty bound, will ever pray.

The answer to that petition was the same as the answer to the order in council of the Ottawa Government—a total disregard for the principles of justice and for the feelings of a whole class of the population, an announcement of their determination not to retrace in any way their steps. There should, therefore, be no wonder now at the course taken by this government in their remedial order. The concilatory course to which they had resorted last year having been disregarded and slighted, the experiment could not be renewed. The second attempt to bring those people to their senses had to be more definite and more stringent in its character. Moreover, it had to be so worded in order to meet the requirements of the constitution and the judgment of the Privy Council, and the government cannot but be congratulated on the firmness they have evinced in carrying out so far their policy of redress. On former occasions I have dealt with many of the points raised by the local government in their answer to the order in council of July, 1894. There is no need to go over that ground again. There is, however, a proposition which calls for some attention:

If the Catholic refuses to take advantage of the public schools, and decides voluntarily to maintain another school, he is exercising his own judgment in the same way as any person who prefers to send his children to a private school, to the support of which he contributes. Neither of such persons, however, by so doing, gains any immunity from the payment of school rates.

This proposition is altogether wrong and deceitful. There is no similarity between the two cases. To be identical they would have to arise from the same conditions of liberty and unrestrained choice. But with the law as it stands now, we have not this free choice. When we undertake to maintain another school, our decision is not a voluntary one. It is not a matter of taste or preference only. It is forced upon us. It is the result of the insurmountable obstacles thrown in the way of the other schools, obstacles which are in their character more insuperable than if they were physical obstructions. The doors of those schools are opened to our children only on condition that they shall be left month after month, and year after year, without any religious education. That is against our honest religious belief; that is against the doctrines of our church, which has in this country a legal status. Our conscience, and the future happiness of our children, forbid us from sending our children to such schools. The laws of God, and the laws of nature make it a duty to us to retain the control of the education of our children, and to give them such education as is not inconsistent with our religious belief. But in those schools, these sacred principles are disregarded, and they are opened to us only on condition that we should also disregard them. This condition being impossible of acceptance, it constitutes a barrier between such schools and the Roman Catholic parents and their children. It makes those schools truly exclusive, to Catholic consciences, and being exclusive, in matter of religious belief, it cannot be claimed for them that they are free schools. If not free schools, the maintaining of another kind of schools is not a voluntary act on our part. Our decision lacks in that case one of the conditions which the Government of Manitoba itself acknowledges it should have: it is not voluntary; and the burden imposed upon us by way of taxation, the proceeds of which go for the support of schools which are not available to us, is an injustice, because it is a principle in matters of taxation that all who pay should share in the benefit resulting therefrom. That injustice works against all classes of Roman Catholics, but it works more especially against the poor. The rich, with their money, can in some cases get over it, but the poor cannot, and to them what is offered is nothing but the Hobson's choice. Where there is no such restraint or condition put upon the liberty of the parents, when the public schools do offer a complete and full satisfaction to all the claims of the natural right of the parents and of their religious belief, then any individual, having some special advantage in view, and deciding to send his children to a private institution, does so voluntarily, of his own free-will, unrestrained by any moral, religious or physical obstacles. In that case, for the sake of the present argument, I may concede that he cannot claim any immunity from payment of the school rate. This is not our position, however, and the stand taken by the local government on that ground cannot be sustained.

The motion was agreed to.

## GRAND FALLS WATER POWER AND BOOM COMPANY'S BILL.

THIRD READING.

Hon. Mr. PERLEY moved the third reading of Bill (95) "An Act to incorporate the Grand Falls Water Power and Boom Company."

Hon. Mr. POWER—It will be borne in mind by such members of the House as are members of the Committee on Railways, that there was some discussion with respect to this bill. It proposes to incorporate a company with a title substantially the same as that of a company incorporated by the Legislature of the province of New Brunswick. It occurred to me that when these companies came to do business in a comparatively small place, a good deal of confusion would arise and I had intended to give notice of an amendment to be moved at the third reading. However, I ascertained that an hon. member of this House, who is a member of the company incorporated by the legislature of New Brunswick, and another prominent New Brunswick gentleman who is one of the corporators of the New Brunswick company, had both expressed their desire that no change should be made in the name, and I consequently gave no notice. I think it is well to give this explanation, as some hon. members may have expected that I would move an amendment.

## FISHERIES ACT AMENDMENT BILL.

DEBATE CONTINUED.

The order of the day being read "resuming the further adjourned debate on the motion for the second reading of Bill (67) 'An Act further to amend the Fisheries Act.'"

Hon. Mr. SCOTT said: Having been a member of a committee appointed some years ago to take evidence on this subject, which so thoroughly investigated the matter, I appreciate the remarks made by the hon. gentleman from Rideau division, and here I desire to say that it is quite unnecessary that he should offer any explanation or apology for the course he has taken. We all feel and recognize that his action was prompted by a desire to serve the public. We all recognize that it would be very much better if all our rivers were left free from pollution, in the primitive state in which they were before civilization entered this land. If I differ from him in the observations that I am about to make, it is because I am obliged to recognize the facts which have evolved in the past few years, and that the legislation before us is entirely based upon expediency. We had all hoped last session, when the rider was added to the government bill, that we would have had an end to this question—that during the twelve months to follow the action of this House, the owners of the saw-mills, more particularly those on the Ottawa River, would have so changed their mills as to render it unnecessary to bring the subject up again. I propose to confine my observations to the mills on the Ottawa, because I do not understand the condition of affairs on other rivers, and, I may add, the evidence given before the committee referred almost completely to the Ottawa River, and, therefore, my remarks are more directly pointed to this particular section, though, no doubt, they are germane to other rivers in Canada as well. I say, we were all very anxious, indeed, that the owners of those mills should have conformed to the law, and I believe they would have done so had it been possible. Had their mills been originally constructed in such a manner as to enable them to consume the saw-dust instead of throwing it into the water, they would not have hesitated, by an expenditure of ten, twenty or twenty-five thousand dollars to conform to the laws of the land. Last year I certainly thought, and it was the general impression of very many others, that no such amount of money would have been necessary in order to so convert the mills that they could consume their saw-dust by means of furnaces. I have not heard it controverted that the evidence since last year shows the inability of the mill men to conform to the law. It is all in one direction—that it was utterly impossible to do so, except by taking down the mills altogether. I may read the statement made by Mr. Edwards in the House of Commons (and he is one who, during the last twelve months, has conformed to the law and to a large extent, as I shall presently show) showing that since this agitation against throwing rubbish into the Ottawa River began there has been a desire and tendency to come within the law. That is, no new mills have been constructed with a view to getting rid of the rubbish by throwing it into the river. The mills erect-

ed since 1888 have recognized that the time is limited within which the public opinion of this country would permit mill refuse to be thrown into the river, and that year, by year, the number of mills that would be relieving themselves of rubbish by depositing it in the river would diminish. Mr. Edwards has two mills, at both of which he burns the saw dust. He recently purchased the Maclaren mill, a very large mill at the Rideau Falls within the limits of the city of Ottawa, and in conformity with the law of last year has, at a very considerable expense, put up a burner. He says:

> I have had a very long—well no, I will not say a very long, but a very considerable—experience in saw-milling; and I think I understand this question pretty fairly well. Now the position of the other water mills on the river is simply this: They are constructed, just as water mills usually are, in the bed of the stream, in order to get the greatest head of water possible. That being the case, the machinery is all down in the lower part of the mill, and during the high water in the spring of the year, the water actually comes up to the level of the sawing floor, and is only kept out of the machinery by the dam. Now, a great many think that it is possible for gentlemen owning mills so constructed to dispose of the saw-dust just as we are doing. From my experience, I say that it is impossible. In most cases, a very large expenditure, indeed, would be required in order to accumulate the sawdust and elevate it into the burners to be consumed; and, in most cases, in fact in almost every case, I think that reconstruction would have to take place.

That is Mr. Edwards's testimony on the subject. That being the case, I felt we were face to face with a very grave question. If this law is enforced, it means closing up a very considerable number of mills, not alone on the Ottawa, but all over this country, and supposing the millmen were very great offenders, are we justified in taking that course, having in view the magnitude of that trade and the vast number of people who are dependent upon the lumber trade for their living? Because the closing up of the mills under the Act of last session, if arbitrarily carried out at the present time, would mean the throwing out of employment of perhaps 25,000 people in Canada and the stopping of a large amount of shipping. Any one who looks at the figures of the freight that is carried, in the shape of sawn lumber, to the United States markets and deals to the English market and other markets abroad, must realize that the amount of shipping which would at once be deprived of its ordinary freights, would be very large, indeed. It would amount to a serious calamity. The lumber trade of this country is, next to the farming industry, the largest in the Dominion. The export of lumber comes after the export from the farm. We take first our cereals and our cattle, and then comes in the lumber industry, which has averaged from fifteen to twenty-five and thirty million dollars a year for very many years; so that the industry is not an ordinary one, and, therefore, we have to deal with it very tenderly. I am as anxious as any other hon. gentleman can be to see the rivers in the condition that they were in when we found them and commenced to make improvements upon them and to navigate them. But there is the logic of facts that I cannot controvert or fail to recognize. I recognize this fact particularly, that forty or fifty years ago all over this country, a saw-mill was considered a most valuable industry on the river. Taking the Ottawa River particularly, it was by invitation, strong pressure, that men were induced to put their money in mills for the benefit of the people rather than have our timber wealth sent abroad in the shape of logs or square timber, and as a matter of fact, at the instance of the government of this country, many of those valuable lots, for instance, at the Chaudière, were actually given away at a nominal price, on the condition that saw-mills should be erected upon them. There was no word then about any objection to the depositing of sawdust in the river. It was a part of the understanding, and so it went on for thirty-five or forty years until we found very serious injury and damage being done on the river; and public opinion then at once made a demand that it must be stopped. No doubt public opinion was right in the main, but there is such a thing in the country as having regard for vested interests, and certainly if the observation can be applied to any industry it can be applied to the lumber trade, for the condition actually imposed upon the acquisition of a hydraulic lot at Ottawa was the building of a saw-mill —no other mill, because at that particular time that was the industry that public attention was directed to—rather than allow the timber to be sent out of the country with the workmanship that it received in the square state. So that we have, in the consideration of this question, that important feature to bear in mind. Since the

meeting of that committee some few years ago, the amount of saw-dust thrown into the river has considerably diminished, very largely diminished. I do not think there is one-half as much to-day as there was then, so that hon. gentlemen will notice that the evil at all events is being diminished. My observation may not apply to other localities. Hon. gentlemen who are familiar with the rivers and streams in the other parts of the Dominion will know whether that is the case elsewhere. Ever since public attention has been called to the importance of keeping the rivers free from pollution, in the construction of new mills they are being built so that they will not deposit their saw-dust in the river, and it has probably checked the erection of mills. Since that time Mr. Booth's mill has been burned and it has not been rebuilt. The site which that mill occupied, the first hydraulic lots on the left hand side before you come to the Suspension bridge, was probably one of the best in the country. The logs came in at the west end and were converted at the mill into boards and manufactured and shipped at the other end in barges that carried them to Burlington, Albany and other points where ready sales were made. So that particular site was probably the best adapted for the trade that any one could select. That mill has not been rebuilt, and will not be rebuilt, I believe, in view of the change in the law. The last mill that Mr. Booth built was, I believe, one of the best mills in the country and cost in the neighbourhood of $250,000, but unfortunately it went up in smoke.

Hon. Mr. MACDONALD (B.C.)—I think they are rebuilding it now.

Hon. Mr. SCOTT—No, not for a saw-mill.

Hon. Mr. ANGERS—They are putting up a foundation without determining what building is to be put on.

Hon. Mr. SCOTT—In view of the law, I understand that Mr. Booth would not build a saw-mill there. It would be a defiance that Parliament would not protect him in. Where a mill goes out of existence in that way, it would be highly improper to so far defy public opinion as to persist in putting up a mill without providing appliances for consuming the saw-dust, and I do not think there is any chance of a saw-mill ever being put on that site again, unless, perhaps, under such circumstances or conditions that the sawdust could be burned, but even then I think it would be highly improper, considering the inflammable matter that there is in that particular neighbourhood. I have no doubt other purposes will be found in which the hydraulic powers can be utilized to great advantage. Mr. Eddy's mill, also a large one, not very far from Booth's on the north side of the river, has been converted into a pulp mill. There is the Maclaren mill, now the property of Mr. Edwards, which has been converted within the last year Another large mill that wasted their saw-dust formerly, the Gilmour & Hughson mill, at the mouth of the Gatineau, I understand now burn their sawdust. They are isolated and away from any building, and therefore they can readily do so. Another very large mill at Hawkesbury, I understand, has been in operation between 60 and 70 years. The third generation is running it. The mill was built originally by a Mr. Hamilton, father of a gentleman who was formerly a senator in this chamber. I think we must recognize the fact that the agitation against dumping rubbish into the river has been productive of very considerable good. The efforts of the committee will not have failed, as some persons may imagine, if this law is allowed to pass and the exemption continued for a limited period longer, because once public opinion has been aroused on the subject no doubt the building of future mills will be so arranged that the saw-dust will be disposed of otherwise than by dumping it in the water. Reference was made to the fact that the influence of the lumbermen was so great that even an injunction could not be obtained in Ontario. The province of Ontario, recognizing the magnitude of the trade and feeling that the closing up of any of these mills would be a public calamity, did pass such an Act. It may be somewhat extraordinary, but they did pass an Act that even for the offences for which legal measures could be taken against the mill-owners, and as to which in the ordinary course of our legal proceedings an injunction might afterwards follow, the power to issue that injunction should be taken from the courts, and I think they acted wisely. They acted on the principle, that so far as private injury was concerned, the millmen were all sufficiently wealthy to compensate the party who professed to be seriously injured by the privilege that the

millmen enjoyed of throwing their rubbish into the river, and that therefore there was no necessity for taking out an injunction, that the parties were amply able to pay all compensation. The facts which I shall point out will clearly show that that conclusion was perfectly right. One cannot, therefore, find fault with the action of the legislature, but it is a strange feature that after we passed that statute last year, or rather added a rider to the government bill declaring that the exemption should be withdrawn, there was an extraordinary change in public opinion. The moment the public seemed to feel that we were really going to enforce the law, they all stood aghast and cried out "stay your hand." In the city of Ottawa there were public meetings held upon the subject. The Board of Trade thought it so important that they met and passed resolutions, and I believe very unanimously adopted a memorial to the government—the very men that a few years before had cried out against spoiling the river and the injury to the public and the riparian proprietors, when they saw that the law was going to be enforced, asked the government and Parliament to stay their hand. I will read a clause or two from the memorial which they presented to the Minister of Marine and Fisheries :

> Be it therefore resolved that this board is of the opinion that if there be any damage or injury arising from the practice of throwing saw-dust or mill refuse into the Ottawa or its tributaries it has already been done and that the few remaining years the industry is likely to continue will add but little if any to existing conditions, and
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> That this board strongly protests against any action of Parliament that would tend to drive this industry from its present location, and would earnestly impress on the government our objections to any restrictions that would have this effect.

And it goes on in the same strain saying that the public interests, which seemed a few years ago to demand that Parliament at once should put a stop to the throwing of this rubbish into the river, had changed front entirely. So far as private interests are concerned, I know of only one case where any one has taken proceedings, and that is the case in which we have a petition presented to this House. Strange to say, we have a number of petitions presented by the riparian proprietors, and I have here a very long petition presented to the Parliament of Canada, professing to come from the inhabitants of the Counties of Prescott, Ottawa, Argenteuil, Vaudreuil and Two Mountains, that is, in the eastern end of Ottawa Valley. It relates more to the mills at Hawkesbury, as to which they pray that the exemption should continue. They take very strong grounds ; they say that the fine edgings and saw-dust have been dropped into the river at this place for 90 years, without injury to the inhabitants, and they believe that these edgings and saw-dust do not injure the fish in the river, but that the government dam at Carillon does prevent the ascent of the fish from the Lower Ottawa. If the Act of last session be enforced, it must leave the proprietors of the Hawkesbury mills no alternative but to close them, to the great detriment of the surrounding country. There are seven hundred men employed there, and the annual average cut is about 50,000,000 feet. The petitioners pray that the government exempt the millowners and allow the edgings, saw-dust, etc., to go into the river, and they refer to a petition sent in 17 or 18 years ago. Then there is another petition signed by the riparian proprietors along the Ottawa River in which they say :

> We understand that it has been alleged that one reason for such action on the part of the Canadian Parliament was that it was injurious to lands fronting upon the river and to the inhabitants dwelling upon these lands, and we beg respectfully to state that such is not the case. Not only have we suffered no injury from the practice referred to, but it has been a positive benefit to us insomuch as it brings to our doors a large quantity of material suitable for firewood, and also deposits upon our shores more less sawdust, which we find more very valuable for our clay lands.
>
> Wherefore we humbly pray that you may be pleased to re-enact that provision of the Fisheries Act which provides that the Minister of Marine and Fisheries may exempt from the operation of the Fisheries Act, wholly or partially, any stream or streams in respect to which he considers that its enforcement is not requisite in the public interest.

While I do not entirely agree with all that is said in the petition, it is very strange that we desire to protect those whom we are anxious to relieve from the saw-dust filling up the bays in the river in front of the farms, yet those very people come here and ask us to allow the saw-dust to continue. It is rather singular. It is the first instance I have heard of where the general public and Parliament more particularly were mistaken as to what was the best interest of the people. It must be perfectly clear that the effect of the deposit of saw-dust is really to fill up all the bays and to fill up any point

along the river where there is dead water. There is no doubt that that is the effect of it. I have heard no complaints about the navigation of the river during the last seven or eight years, nor do I believe the navigation of the river has been seriously affected, because as the stream is confined in a shallower channel, of course the depth of water is really greater. Where it spread out before there are now large deposits of saw-dust the effect of which is to condense the stream into a narrower channel. Those are the petitions in favour of the dumping of the saw-dust into the river. There were also petitions from other parts of the country, which I have not read, in favour of the exemption, one from Nova Scotia and New Brunswick, but the only petition praying that the millmen be deprived of the privilege of throwing saw-dust into the river is the one from Antoine Ratté, who owns a boat-house here and thinks his business is injured by the continuance of the practice. It is extraordinary that we have no more petitions, if public opinion is in the direction indicated by the hon. member from Rideau. Some years ago Mr. Ratté claimed to have sustained damage to the extent of $4,000, and he brought an action against some of the millmen and recovered $3,500. The hon. senator from Rideau stated that, so far as those private interests were concerned, they were under great disadvantage in having to prosecute the millmen. I do not agree with him at all. The millmen are all very good marks — able to pay any judgment against them, and therefore when damages can be recovered in court there is no fear that even appeals will protect them. Mr. Ratté subsequently brought another action for $30,000, which is pending. It is not necessary now that the question of right should be litigated upon, because in the first action that Mr. Ratté brought, it went all the way up to the Judicial Committee of the Privy Council, and the right of riparian proprietors to claim damages was sustained beyond question, and I am told on good authority, that the action now pending for $30,000 is simply referred to an officer of the court to assess the damages. The right that he had to claim that he had sustained damages is on record and he has nothing to do but prove the damages. I understand that Mr. Ratté has been approached more than once to sell out his property, but Mr. Ratté, has declined to sell, and one would think it was rather a good thing to own a property of that kind. Whenever you wanted a few thousand dollars, all you had to do was to go to a lawyer and institute proceedings against wealthy men who had to pay on damages being assessed. There is no trouble in getting a lawyer to take up such a case as that. The right to damages being established, it is simply the amount that has to be proved. Under those conditions, I do not think that Mr. Ratté is entitled to very much of our sympathy. The petition of the mill-owners, addressed to the members of both Houses, sets forth a fact which I need not repeat, as to the right they acquired a long time ago under the belief that they were to be allowed the privilege of disposing of their saw-dust by throwing it into the river, and they go on further to quote the authority of Mr. Fleming, who has made a report on the whole subject. I daresay hon. gentlemen who take any interest in this question have seen Mr. Fleming's report, and whether they agree with the full conclusions at which he has arrived or not, the effect of a report by a gentleman of his standing on one's judgment is, I am bound to say, very considerable. He gives the depth of the river at different points during a long series of years, and shows that, so far as the navigation is concerned, it has not been seriously interfered with. There is one singular feature about it, that the men who navigate the river have not made any complaint of recent years—not within the last four or five years. Of course, a good many of them are engaged in that very traffic, taking the sawn lumber away from the mills, and naturally, they would put up with a great deal of inconvenience rather than grumble with the carrying on of a business in which they are so deeply interested, but there are other steamers on the river and we have had no complaints from the owners of those boats that the navigation has been impeded by the saw-dust. The mill-owners say :—

In view of all the facts, the mill-owners submit that the enforcement of the Act of last session would be to them most unjust and in the public interest an unnecessary and unjustifiable proceeding, established as their mills have been, under a state of the law which permitted the disposing of the saw-dust and mill refuse in a mode which under the Act of last session is made unlawful.

In any event, and at the very least, it is further respectfully submitted that before this prohibition

is enforced, full enquiry should be made with regard to the different mills as to whether the representation now made that some of them at least cannot without permanent stoppage and abandonment, or complete reconstruction comply with the law, and that if such is found to be the case, then that the law should not as to these mills be put into operation, whilst as to those if any which can with a moderate expense be rearranged so as to comply with the law, a reasonably long delay should be granted before allowing the Act to go into force as against them.

They seem to recognize fully there that public opinion demands that a law of that kind should be enforced. All they ask is that Parliament stay its hand until it could be fully understood whether the change could be made. They do not seem to object to conform to the change if it is feasible, and if it can be carried out without the absolute destruction of their mills. Therefore I regard this question purely as one of expediency, because I am quite as anxious as anyone can be, that our rivers should be free from pollution. Notwithstanding the statements of riparian proprietors, I think it would have been very much better if there had been no pollution in the stream, but the tendency of modern times, is to get rid of refuse, whether of cities, saw-mills or butcher's shops, by dumping it into the rivers. It may be possible in the future that pollution of all kinds should be kept out of the river, because I cannot but believe that the huge sewage from the city of Ottawa, must have an injurious effect on the water which is drunk by the people to the east of us—the sewage of 60,000 people in this locality must have a very serious effect on the water below us. We know that the bacillus of typhoid originates from that very cause, and the sewage of our cities should be disposed of in some other way, as they dispose of garbage in cities of the old world by burning and otherwise. We could on that point take a lesson from China. In that densely populated country they could not live if they wasted the garbage by dumping it into the ocean. They turn it back into the land, and there is no doubt Providence intended that it should be so disposed of. There is no doubt that some time in the future those who follow us will suffer from the loss of fertilizing material that is now practiced. I have no doubt the time will come when an enlightened legislature will insist on the rivers being kept free from pollution. We know the city of Chicago is actually spending $20,000,000 (it may cost $25,000,000) to get rid of the sewage of that city. They were turning it into Lake Michigan and, vast as that lake is, they were unable to get pure water from the lake for the city. They ran the in-take for miles into the lake, and although there is a large supply of water coming into Lake Michigan and flowing away constantly, yet the people of Chicago find that they are poisoning their water by allowing the sewage of their big city to run into the lake. They are now cutting a canal to send it down to the Gulf of Mexico.

Hon. Mr. POWER—They are going to sail canal boats down too.

Hon. Mr. SCOTT—Yes, they find in a city, large and growing as Chicago is, that it takes a river to carry the filth and dirt away, and a river with some considerable current, and so, as my hon. friend observes, it is going to be used as a canal. It will be large enough for ordinary boats, and they will have, no doubt, dams and locks at various points. But the main object was to get pure water from Lake Michigan and the only way to do that was to turn the sewage off in another direction.

Hon. Mr. ALLAN—What about those places and people where the filth is going to?

Hon. Mr. SCOTT—Why do they not rebel? That is what I cannot understand. They remain quiet until the poisoned stream is passing by their doors, carrying fevers along to the banks of the Mississippi. There the large body of water will probably relieve it of its impurities. I have referred to the case of Chicago as an illustration of the effect of throwing pollution into the water. I do not hesitate to say that Montreal will one day protest against the filth of cities and towns above it being dumped into the water and the practice will be stopped. Not alone sawdust but everything else will have to be excluded from our rivers. We have to deal with things as we find them to-day and the state of the public opinion of the hour. I propose to support the government's bill simply on the ground of expediency, simply because I feel that we are face to face with a serious calamity if we put it in force. However desirous we may be to keep the sawdust out of the rivers, few of us would be willing to see 30 or 40 of the mills of this country closed up to-morrow in view of the

large amount of capital invested in them under the belief that they were to be free to dump their saw-dust into the river. No doubt the action of the committee a few years ago, and of the amendment made at the instance of the hon. member from Rideau division, has been productive of a large amount of good. His amendment last year was supported almost universally in this chamber. I know I, myself, was a warm advocate of it; I had hopes that the warning given would have brought about a change. I recognize now that it was utterly impossible, that there were difficulties in the way which could not be overcome, and so I bow to the doctrine of expediency, but I think we have impressed the public mind and the mill-owners with the fact that the time is coming when the nuisance must be stopped. All that is asked for in the bill is a stay for two years. Whether the change will come within that time or not, I cannot say. I cannot say whether it is prudent to say two or more; we must let the future take care of itself. Still I think it is wise to warn the mill-owners that the rivers of the country must be kept free from pollution.

Hon. Mr. ALLAN—It may seem presumptuous for anyone who is not personally conversant with all the facts of this knotty saw-dust question to venture to give any opinion of his own upon it. Moreover, since this debate began, so many contradictory statements have been made with respect to the facts that one finds himself more at a loss than ever. However, as one of those who voted for the amendment of the hon. gentleman from Rideau last year, I should like again to state the reasons which moved me to do so, and which have very considerable weight with me still, with regard to the question now before the House. Perhaps my first reason may not be considered of very much weight because it is, to a certain extent, sentimental or esthetical if you choose to call it so, and that is, as a Canadian, I naturally feel very proud of this capital of the Dominion, and every one will agree with me when I say that the position of these buildings on the banks of this magnificent river and the scenery surrounding it are all unique, and we are proud to show it to strangers when they come to this part of Canada; but one can scarcely look down on the river which flows at the foot of the cliff and see it choked up with slabs and saw-dust without feeling very great regret that it should be so disfigured and a strong desire that this state of things should be put an end to. Then, again, the government of this country have spent a great deal of money, and very properly so, in the preservation and development of the fisheries of the Dominion. The time was, when there seemed every prospect that in many of our large rivers—the rivers running into the St. Lawrence especially—salmon fishing was likely to be almost completely destroyed. Since that time the government have, in the most laudable manner, taken every means in their power to protect those fisheries, and not only that, but have gone further and done a most excellent work in every part of the Dominion in stocking the various rivers with the fry of the different fish, thus adding very largely to our resources. Therefore, one would naturally suppose that the preservation of the fisheries on which so much care and expense have been bestowed, would naturally be a very strong reason indeed for preventing the pollution of the streams where those fish are to be found, but we have heard, since this question has been before the House, some statements which I confess rather astounded me. We have been told, in fact, that the saw-dust rather agrees with the fish—that the fish do not dislike it, and so far from the saw-dust in the Ottawa having affected the abundance or quality of the fish, on the contrary the fish have rather increased. As I said before, it is rather presumptious for anybody who is not personally acquainted with the facts to take exception to such extraordinary statements, but it is contrary to all one's preconceived notions, and all that one has ever read or heard on the subject, or that has hitherto been held necessary to be done on fishing streams to preserve them from pollution. Then, again, with respect to the navigation of the river, we are told positively that it has not been interfered with in any way by the saw-dust deposits. On the contrary, the hon. member from Ottawa has told us that, so far as that goes, the navigation has been rather improved! These deposits have narrowed the channel, and as the water does not extend into the bays on either side as it once did, it is deeper in the channel between the two banks of saw-dust! That is another thing as to which one may feel excused if he is puzzled to decide where the truth really lies. Then, again, we have been told

that we have the opinion of Mr. Sandford Fleming, and nobody would give greater weight to the opinion of a gentleman like Mr. Fleming than I should do. On the other hand, I have the very highest confidence in one of the greatest hydraulic engineers of the country, Mr. T. C. Keefer, and his opinions do not at all agree with those of Mr. Fleming. The plans and profiles of the saw-dust deposits in the various parts of the river submitted here last session when this question was before the House, which Mr. Keefer furnished, showed to my mind very conclusively that if this nuisance is to go on, the time must come when the navigation of the Ottawa River may be very seriously affected. Another argument which has been used in defence of the practice has been this, that at all events there is a good deal of fishing of a particular kind—in the river—that all along the banks the inhabitants have the advantage of fishing out slabs and edgings and so furnishing themselves with fire-wood for nothing during the whole course of the year. No doubt that is a very great advantage to those who desire to have fire-wood without any cost to themselves, but I do not think it is altogether a valid argument for continuing the present condition of things. I should be the very last to advocate any measure which would have the effect of destroying the great industry in which not only the city of Ottawa, but the entire Dominion are deeply interested. My hon. friend from Ottawa, who has argued this question so ingeniously that I confess I was sometimes puzzled to know which way his conclusions were going, whether for or against the measure, wound up with a very strong declaration that the time is coming when we must look forward to taking effectual steps to stop the pollution not of the Ottawa only but of other streams, but whether he considered it expedient to take these steps now was not so clear. As regards the mill-owners it seems to me that they have by no means so strong a case as has been stated to the House. Surely they have for years past had warning of what was coming, and they cannot claim to have been taken by suprise. It seems to me, taking all things into consideration, that if this bill in its present shape is to pass, it would be almost better to make the term longer than to fix it at two years rather than have the law set at defiance, as it has been, and then have the government come down to the House at the end of that time and saying "oh, two years was not long enough to enable these gentlemen to make other arrangements," and have the same arguments used over again, and used with great force, as to the destruction of a great industry of the utmost importance to Ottawa. If, with the warning they have had, they are not prepared to make the change at the present time, I hardly think they will be prepared to do it at the end of two years. Another very important consideration involved, too, in the exemption proposed by this bill, is this: that it will be found very difficult in operation to make fish of one and saw-dust of another, and to enforce these regulations on one river and dispense with them on others. It may be remembered that an hon. gentleman, not now in his place, from one of the maritime provinces put that feature of the case very strongly in regard to some of the rivers in New Brunswick, and I am afraid there will be great difficulty if we give this discretionary power in enforcing the law at all. These are the reasons which led me last year to vote for the amendment. I am not prepared to take the responsibility now of voting absolutely against the bill if the government will give us any sort of assurance that we may reasonably expect that at the end of a certain time the law will be enforced and that this is not simply extending the privilege to those millmen for an indefinite length of time. Before the House is asked to vote on this question we ought to have some more positive assurance with regard to that point than we have had as yet.

Hon. Mr. VIDAL—I concur so fully in the sentiments expressed by the hon. member from Ottawa that it seems hardly necessary to say anything more on the points to which he has referred, but at the same time I think it is very well that attention should be given to some features of the question which have not attracted sufficient attention. In the first place, we must not forget, while so deeply interested in the River Ottawa, that the measure has reference to the whole Dominion of Canada and that, beautiful and grand and interesting as the Ottawa River is, there are other rivers which we have to think of and the circumstances of which are such as to require very careful consideration before an Act such as the one which was passed last session

should be really enforced upon them. There are very many rivers throughout Canada where the throwing of slabs and saw-dust into them would not be attended by any of the bad results which it is claimed has been the case here in Ottawa.

Hon. Mr. KAULBACH—Where are they?

Hon. Mr. VIDAL—Many rivers which are not navigable at all and cannot be made navigable. Many rivers which have no fish in them, unless maybe the few perch and fish which frequent inland waters. It is well to remember also, and our attention has been directed to the fact, that there are large rivers, such as the St. John and St. Clair, on the border, where other rights than Canadian rights exist, and where no such restrictions exist on the other side, and it requires consideration before any severe or drastic legislation should be enacted here. I concur with one sentiment expressed by the hon. member from York, although on quite a different ground, and that is that I am dissatisfied as to the limit of two years. In my opinion there should be no time limit whatever—that this is a matter which should be left to the discretion of the existing government. I believe that any government would be guided by public sentiment and public opinion, and I would quite willingly leave the settlement of such a question to the government's responsibility, to the people and to parliament for any action which they take in exempting any streams. Two years after this the same question may come before the House again, not so much from Ottawa as from other places where the existing law could only be applied to the great disadvantage of the country in general. Of course if we were to accept, without some reservation, the terrible indictment which the hon. member from Rideau brings against this saw-dust dumping into the Ottawa we might well stand appalled. From the earnestness and force with which his views were expressed, one would suppose that some terrible injury has been done—that unlimited destruction of fish has been carried on, the public health jeopardized and the navigation of the Ottawa likely to be entirely stopped. Is it not very extraordinary that, in the face of such a calamity, affecting the country so seriously, and more especially the inhabitants between Ottawa and Grenville, that we have not before us petitions from the people interested in navigation, telling us that the navigation has been injured, causing them serious loss and difficulty and that their rights have been affected? Is it not wonderful that we have not petitions here from fisherman telling us that their business has been destroyed. But there has been nothing of the kind. Should not we expect that the parties living along the banks of the river, whose interest it is said are so injuriously affected, would come here and ask for protection? It is wonderful that we do not find boards of health coming here and protesting against the injurious effects of the nauseous vapour from these saw-dust deposits in the river if the health of the people is being jeopardized by the practice of throwing slabs and sawdust into the river? The city of Ottawa is as healthy to-day as it was 20 years ago, perhaps a little healthier. I do not see any evidence that the injuries so dwelt upon have any real existence.

Hon. Mr. CLEMOW—Has the hon. gentleman read the evidence produced here before the committee appointed by the Senate?

Hon. Mr. VIDAL—If I have not read it I have heard it—four hours of it.

Hon. Mr. CLEMOW—Have you read it?

Hon. Mr. VIDAL—Yes, and other evidence too? Does that evidence prove any of the assertions made by those people? I say no.

Hon. Mr. CLEMOW—I say yes.

Hon. Mr. VIDAL—It is a matter of opinion.

Hon. Mr. CLEMOW—There have been several petitions sent in to the government.

Hon. Mr. VIDAL—I did not interrupt the hon. gentleman in the four hours that he was speaking.

Hon. Mr. CLEMOW—I merely corrected you.

Hon. Mr. VIDAL—You need not correct me. I think the hon. member from Ottawa has made it so plain that it is of little consequence whether I say anything or not, but I have the right to express my opinion and I propose to do it. Speaking of the great difficulty, which the public will be more

interested in than any other, the rights of navigation, no person disputes that the saw-dust is deposited in large quantities in the bays and other parts of the river, where the current is not very strong. Does that affect the navigation of the river? Do we hear complaints from the people interested in that navigation? I have heard none. I think that would be a complaint which would receive the attention of the House if there was such a complaint. My hon. friend attaches very little importance to Mr. Sandford Fleming's report. This is one of the cases where I take a decidedly opposite ground from him, for I place the utmost confidence in Mr. Fleming's report. When a man in his position, a man of his character and attainments in engineering, will make any statements over his own signature I consider myself bound to receive them. I am by profession a surveyor and understand something of surveying and engineering. My hon. friend says that Mr. Fleming was never upon the river at all; I do not know whether he is correct in that statement, but at the same time if he were correct it does not affect his report. When I was engaged in making a sounding, I did not take the line in my own hands. I had assistants for the accuracy of whose work I was responsible. And surely we would not say that Mr. Fleming's report was not to be considered because Mr. Fleming did not take the line in his own hands and sound the river. He sent people in whose skill and integrity he could rely, and upon their work he based his report. That is the proceeding which is generally followed, and no one thinks of questioning a report made by a properly qualified person because the information in that report has been gathered through agents and instrumentalities under his control and for which he is responsible. Mr. Fleming admits that in one particular spot, where the canal comes down into the river, there is an impedient of sunken saw-dust which is not carried away by the current, and which has twice during many years required to be dredged and may require dredging again. But, speaking of the navigation of the river generally, with that one exception he contends it is not one whit injured, that it is just as free as it was 40 years ago. It is a curious thing, if this process of obstruction has been going on for 50 or 60 years and in some parts of the river for 90 years, that there is yet no accumulation sufficient to arrest or interfere with navigation. Surely that should be ground enough for us now, under existing circumstances not to be hurried into passing legislation which my hon. friend from Ottawa showed to be so injurious to a very large and important industry in our country. The fact has been referred to that at the present time, and for the last few years, there is nothing like the quantity of saw-dust thrown into the river that there has been in the past. Any mischief which may result has already been accomplished, while they could legally put these things into the river. It has been going on for some 40 years, and now I presume very little beyond some of the saw-dust goes to the bottom at all. Pieces of any size at all—even those broken up pieces of slabs that they send down—are soon picked up, and I do do not think any of them are allowed to soak and go to the bottom. We can understand that years ago, when slabs were numerous, they did form an obstruction to dredging. But at the same time, the formation of the bottom of the river is such that this vast accumulation of saw-dust may have occurred in the deep places. There are many places 125 and 150 feet deep, and of course down there the slabs and saw-dust could accumulate without injury, and Mr. Fleming has shown that in the shallower parts of the river, the force of the current is such that it invariably cleans out any sawdust in the spring of the year. We have had it brought before us that beds have been formed of layers of sawdust and sand, showing clearly that it is not the sawdust alone that obstructs the navigation or fills up the bed, but there is a moving of sand and gravel also going on and when we hear an allusion made to the actual stopping of the river—that we are going to lose the river and have no navigation at all—it seems to me really ludicrous. The idea of anything that men could put in the river stopping it— even if they drove piles into it and used all the skill possible to stop the river, the current would sweep everything before it. That current is going on continually during the year with such power and volume as to sweep away anything like saw-dust, leaving the channel clear to meet all requirements of navigation. If it were not so, who would be the parties most interested in maintaining that navigation intact? Would

it not be the very men in the lumber trade? I presume nine-tenths of the business that goes down the river is their business; they would be the sufferers if the navigation were interfered with. I do not think the idea of its interfering with navigation is one which merits very serious consideration in this House. Then, with reference to the fishing I would here remark that although we may laugh when people say that saw-dust is good for fish and not injurious, I should like hon. gentlemen to remember this, that we have no scientific or certain statements which we can rely upon that saw-dust is injurious to fish. It has not been shown. You cannot produce any evidence of it. You can say that the experience of this river shows it, but it does not show it. There is very little difference in the fish taken from the river now and the fish taken thirty or forty years ago.

Hon. Mr. ALLAN—Does the hon. gentleman know that?

Hon. Mr. VIDAL—Only from what I read. I do not know it personally, but there are certain things which we know. We know that the Carrillon dam is a greater obstruction to fish coming into the river than any saw-dust. There is a dam there without any fish-ways, and the existence of that dam would diminish the quantity of fish above it, and between that point and Ottawa. As a matter of fact, slabs and saw-dust are thrown into many rivers without injury to fish. For instance, take the state of Michigan. There is no complaint there that it is injurious to the fish or to the health of the people, either. If there is a decrease in the quantity of the fish now in the Ottawa it is due to the factthat we have different appliances for catching them. Nets are used now which were not used many years ago. This may have the effect to a certain extent of diminishing the quantity, but the Ottawa was never what one could call a fish river. It never was a river where a quantity of fish was taken out to be an important article in the market, differing in that respect from the rivers opening out into the ocean, like the Miramichi and Restigouche, and others, as to which the prohibition is admitted to be necessary. I contend that there is no proof whatever given us that the fish in the Ottawa River have been diminished at all by the putting in of the saw-dust, nor is there any scientific proof furnished that saw-dust being put into the river is injurious to the fish. It is an assumption, but not proof.

Hon. Mr. KAULBACH—What proof do you want?

Hon. Mr. VIDAL—I want proof of some kind or other. When a man makes a statement he is supposed to furnish proof of the statement, and I say there is no proof of any kind furnished of the truth of the statement, and I think it may be dismissed very much like the other. Then as to the health of the people—that is another point. I do not believe that the putting of saw-dust into the river will produce poisonous effects; perhaps it will be rather the reverse. I do not think it does any damage. When you speak of the explosions taking place, and the water being spoiled, you ignore the fact that the sewage of a large city, Ottawa, all flows into that river. Is not that enough to poison the water? Is not that enough to account for the injury to health which has been urged to have been caused by the saw-dust and slabs? I do not believe it has anything to do with the health of the city; and I suppose most of the water that is drunk in the city comes from above the Chaudière Falls where the saw-dust is thrown in. There are a few mills, perhaps, in that direction, but the water is obtained from away out in the river, and it is free from the pollution which exists in the river nearer the city. I think those explosions are very rare.

Hon. Mr. ALLAN—A very valuable officer of this House nearly lost his life in that way in consequence of an explosion. That I am cognizant of. A bank of saw-dust came up through the ice.

Hon. Mr. VIDAL—How does he know that it was saw-dust?

Hon. Mr. ALLAN—In the same way you know the fish are not hurt by the saw-dust.

Hon. Mr. VIDAL—I do not think there is any case made out by these strong statements as to the injury that is done sufficient to warrant us in not passing the bill. I would like to see the river free from the saw-dust, and I fully sympathize fully with the views entertained as to the injury done

to the appearance of the river, and the comfort of going about in boats, but, at the same time, what is urged upon us is that we shall not interfere with vested interests to a large extent and jeopardize the existence of one of the most important branches of productive trade in our country. The evidence given by Mr. Edwards, who may be considered an impartial and experienced millowner, has been read to the House. He himself has put in furnaces at his mills, but tells us he can do it at his place because of the height of his machinery. At the same time, he says it is impossible for the other millowners to put furnaces where their mills are, without taking everything out of them and adopting a new system. The expense of that would be so great that, with diminished trade and the diminished supply of logs, it would not be worth while to continue the business. If the statute of 1894 were immediately enforced I have a strong conviction that it would be the means of driving from Ottawa that important and lucrative business which has been carried on here for so many years with immense advantage to the city. I do not think the injuries which have been sustained are so great as the injury that would be done to the enterprise and well-being of the country at large in forcing the millowners to immediately discontinue their business or to do what they think is impossible—provide appliances to consume the mill refuse. The nuisance is getting less all the time, and surely in two years, with all the reduced supply, will be less than one-half what it used to be. With the desire of everybody to lay hold of all the fragments which are thrown in and broken up, the accumulation would hardly be worth noticing and certainly not to be contrasted with the relief which would be brought to those engaged in the business by the adoption of the measures now before us.

Hon. Mr. McCALLUM—Just one word, the last speaker lays down the doctrine that if you make a statement you must prove it. He made the statement here that putting saw-dust and slabs in the river at Michigan did not injure the fish. I should like him to prove that.

Hon. Mr. VIDAL—I did not state that as a fact; I stated it as a matter of opinion.

Hon. Mr. KAULBACH—I am very much surprised at the remarks of the hon. gentleman from Sarnia. I generally pay considerable attention to him, and probably receive profit and information from his remarks, but the position he has taken to-day on this question of saw-dust is to me astonishing, so contrary to all the theories for the protection of fish-life and the system adopted for their preservation. He now asserts the monstrous proposition that it is a doubtful question whether saw-dust or refuse thrown into the river is injurious to fish. We have been going on the principle for the last twenty or thirty years of preventing saw-dust being thrown into rivers, even the smallest streams. We have spent millions of dollars in guarding, protecting and stocking the rivers and streams and imposing heavy penalties on every miller who suffers saw-dust and refuse to drop into the water. These police regulations have been executed with the utmost rigour in Nova Scotia. If the hon. gentleman's view is correct, we spend a large amount of money to harass the poor millowners throughout the country improperly, unreasonably and without any just cause. He says there is no proof that saw-dust and mill refuse are injurious to fish-life. I could name a dozen men who have made protection of fish a life study, whose reports we have in Parliament, who speak from personal knowledge and say that saw-dust does destroy food-fish. I wonder what proof my hon. friend wants. On every stream where a mill stands, in proportion to the quantity of saw-dust going into the stream the fish are ruined, and it is just as important that the saw-dust should not go into these little streams in the country as that it should not go into large rivers. It has been said here that this legislation was intended for Ottawa alone. The hon. Minister of Agriculture refuted that idea; he showed that it was intended for the hundreds of little streams and unnavigable waters throughout the country which might be exempted. If that was the intention of the law, or the policy of the government, the action of the river officers was solely inconsistent therewith, why was not that enforced by the government taking this into consideration long ago? Yes, years ago—before we last year took that power from the government. They had a discretionary power up to last year to exempt every stream they thought proper to exempt. Why did they not take advantage of it then? It is simply now diverting the attention of the public

mind from Ottawa and saying that the intention of the government is to apply the law to those little streams as well as navigable rivers in which fish are of little or no value. I think the government has taken upon themselves a task that they cannot fulfil if they are going to listen to petitions and prayers from every part of Canada saying that such and such streams should be exempted from the operation of the law. They will attempt to act in a manner which would be impracticable and very injurious to the preservation of fish life, because it matters not what government is in power, they do not last forever; they are creatures of a day, and we do not know what government will come into power at any time and what streams may be exempted from the operation of the law. Referring to Nova Scotia, I may say that the exemption of the Ottawa has done more to prevent this law being carried out than anything else. The millowners tell us "look at Ottawa and look at the wealthy Americans who come over and made their money in Canada. Their wealth has influenced the government and the government is powerless in their hands." That is the argument we hear all over the country, and it works pretty hard in the province of Nova Scotia to give the Ottawa lumber mill owners two years more time for discharging mill refuse in the Ottawa. If that had been asked for in 1888, no objection would have been raised. The mill owners never, by their petitions, asked that and never will. They talk of vested rights, and never will surrender unless by the strong power of the law. I believe the saw-dust is injurious to the river and that the policy of the government is to temporize. If half a dozen poor settlers in Nova Scotia club together to put up a mill for the benefit of their little settlement, and for their own accommodation, sawing probably only 100 feet of lumber a day, every one of them would be fined cruelly and unjustly for an infraction of this law, yet the large millowners of the country can go free. Why? Because they had power and they exerted that power. They are a terror and they have acted in a tyrannical way. I believe that this measure is simply temporizing with them, I do not believe at the end of two years it is intended to put a stop to this practice. The men engaged in this trade have had notice for eight years. Have they made any effort to comply with the law? Have they asked for any delay in order to comply with the law? No, they have set the law at defiance. In this pamphlet they circulated throughout Parliament they talk about their vested rights and they say that their business is of so much importance. They employ a large number of people it is true, but after all these men are drawing out a miserable existence. A few men make all the wealth and the labourers are just as poor as when they started. I say that this industry is not equal to and can in no way compare with the fishing interests of the country. This mode of disposing of mill refuse has been done in a reckless and extravagant manner and it is sanctioned by the government. It has done a great deal of harm to Canada, and caused damages in many ways. The droughts that we have in the country are owing to the forests being cut down, and the freshets that occur are caused by the forest being cut down. When the fish ascend the streams to spawn, in the cool water, but they are prevented from going up. All the interests of the lumberman have been exercised adversely in the work appliances of the business to the interests of the fisheries. The fish are accustomed to undisturbed water, and they will naturally go up stream as far as they can go. The instincts of nature bring them up to the cool water and gravel beds to deposit their spawn, and any obstruction of the river that prevents them from getting there is injurious to the fisheries. We ought not to consider so much the interests of the lumbermen. If we kept our export duty on logs and retained them in the country, it would be better than allowing them to be towed across and manufactured in the United States. It is supplying their market with raw material which could be profitably manufactured here. If we prevented that being done, it would be much better. Instead of trying to husband the industry we have in the country, we have allowed it to be destroyed by the Americans across the border. I feel strongly in this matter in favour of the protection of the fisheries. Every act of this kind, by which you allow or encourage the throwing of mill refuse and saw-dust into the rivers, has a tendency to destroy the fisheries. Then we have those petitions presented to us. How absurd they are. They say that the refuse stuff going down the river is a benefit to the people. You might as well say that the refuse from your house would be a

benefit to the beggars of the town who might pick up something useful, and that therefore you should not destroy your refuse but let it be cast out in the highway so that those poor creatures may pick it up. That argument is absurd. We know the tyranny of the lumber interest on the Ottawa; we know that those petitions are got up under their influence. We understand it perfectly well. There is hardly a man who signs the petition who does not feel that he is obliged to do so. And the representations in those petitions are perfectly absurd. It is absurd to say that it is no injury to riparian rights, and it is quite evident that there is a good deal of tyranny in the treatment of Mr. Ratté. My hon. friend from Ottawa repudiates the tyranny. I think it is a tyranny to any poor man to say "we will drag you to the highest court in the empire." A poor man who has his rights, if he knows that he is to be driven from court to court, cannot compete. How can he carry a case on to the highest court without money? We see what Ratté has done. Some hon. gentlemen have cast ridicule upon his case, but every man has a right to have justice done him and to have his rights preserved. It is a denial of justice when the lumbermen tyrannize over everyone and say that every man who goes into court to get rights shall be driven to the extremity of the law. They say "We do not care how much it costs, but we will financially ruin him before he gets through the courts." My hon. friend speaks of vested rights. It is vested rights in a huge monopoly in a public nuisance, increasing every day in a great river. The Minister of Agriculture shakes his head; nevertheless it is that. If these men were not tyrants, they would not persist in the practice. Then consider the extraordinary concession to be granted by this bill. We are asked to release them from the penalties incurred, or to which they are amenable by their infraction of the statute. It would be a different matter if they showed any desire to conform to the law, and if we were simply giving them a little time to make the change. But their pamphlet shows that they have no idea of changing, they never did and never will conform to the law. The two years will not suffice. This bill itself pretends that after two years they are going to shut down and there will be no more exemptions. I do not believe that in two years the millowners will comply with that law. If they will give us some assurance on the subject, my objections will be removed, but the government have not the power to give us such an assurance. They can only say what they will do themselves. I believe it is simply giving these millmen a new lease of power to exert themselves in the way in which they have been doing to tyrannize over the people and defy the legislature and to act in a way which is very injurious to the fisheries. I would not complain about the Ottawa if it had not been a bad example to the whole of Canada. Everywhere we are told "Look at the Ottawa, right under your eyes; look at the legislation by which you have exempted these men year after year. You have made no effort to stop the nuisance, while every poor millowner in the country has been obliged to change his mill or shut down." That has been the case in my county, I believe in the law and I did not sympathize with those parties when they came to me. I believed the law was in the right direction, and that no saw-dust, where it could possibly be avoided, should go in the river, because it will destroy the river, and this government will make a big mistake if they exempt any river, no matter how small it is, because the small streams help the shores and rivers with fish. We would have no coast fishing if it was not for the rivers. The best fishing is within a few miles from the mouths of the rivers. And why is that? Because the fish from the ocean are attracted by the little fish coming down the river and they are not only a nursery for the fish but they attract the fish along the coast. That is evident. Any man in Nova Scotia who knows anything about fisheries knows it to be a fact, and I have more regard for the small streams than for the navigable rivers. I would rather protect the small streams in Nova Scotia from saw-dust and mill refuse, because they are nursing grounds for fish. It is not in the large rivers where they spawn, but up those little streams, and they will be destroyed unless you interfere to protect them. The hon. Minister says there are hundreds of streams where the fish are of no value. I do not know of any stream in Canada where the fish are not of value. They are all of value. The small streams are the nurseries of all the fish that go into the rivers. Of course the little

streams are not navigable waters, and I hope my hon. friend will not do anything to prevent the fish going up those streams. We have spent a good deal of money in protecting the fish and protecting the streams. We do not go along the shore to do it. We go up the little streams and put the fish in, and if you exempt those little streams from the operation of the law, you destroy the sources from which our great fishing industry arises.

Hon. Mr. POWER—The remarks which I should have made have been made almost altogether by the hon. member from York division and the hon. member from Lunenburg, and naturally members of the House may suggest that I have no business to speak under those circumstances ; but the question is really a very important one. It is a question between two of the most important industries of Canada, and it is, therefore, one which should be fully and carefully discussed and considered. There was one thing which struck me about the speeches made by the hon. member from Ottawa and the hon. member from Sarnia. I listened to them with pleasure ; but it seemed to me they came too late in the day. If parliament were called upon now for the first time to decide as to whether it should protect the rivers of Canada or not, those speeches would have been very appropriate. As I understand it, the speech of the hon. gentleman from Sarnia meant that all the money that has been spent in taking care of our rivers and trying to protect them from pollution was money wasted, and the best way is to go as you please : let everybody put whatever he likes into the rivers, and the rivers will take care of themselves. The hon. gentleman did not go quite as far as that, but that was the line which he took. We began to protect the rivers and lakes a long time ago. It seems to me that all this question about whether saw-dust was a good thing, or whether slabs and refuse were a good thing, was considered by parliament and the government several years ago, and the government and parliament adopted a policy based on the supposition that they were not good things, and they forbade putting those pollutions into the rivers, except in certain cases as to which a discretionary power was given to the Governor in Council. And then I think the speeches of those hon. gentlemen are a little late in another way. This matter has been before the Senate on more occasions than one. It came up here particularly in the session of 1888, and a committee consisting of a number of the most intelligent and independent members of this House was appointed to consider the question. That committee heard a great deal of evidence from persons who were qualified to know the effect of putting saw-dust and refuse into the Ottawa river. The committee made a report, which I understand was unanimous, to the effect that the putting of mill refuse into the Ottawa was a pernicious thing to the river and should be stopped, and recommending that government and parliament take steps to prevent this pollution in future. When that report was presented to the Senate, there was almost no dissenting voice. Then last session this question came before the House in connection with a bill to amend the Fisheries Act. The government had proposed in that bill, as it came to us, to retain the discretionary power which they had had of exempting certain rivers from the operation of the law against the pollution of rivers, and this House asserted its independence and its dignity and struck out that provision and inserted the provision which the bill before us undertakes to repeal. We have to consider those things and bear in mind that the government have dealt with the matter, and we have dealt with it, and it is not a new question at all. But even if it were a new question, I think that I should not adopt the view taken by the hon. gentleman from Sarnia. Unfortunately, when the people first settled in this country they did not appreciate the value of the gifts which nature had given them. Everybody knows that with regard to trees in the early settlement of Canada, the object of the settler was to cut away all the trees in the neighborhood of his house thus seriously injuring himself, and now people are planting trees where their ancestors cut them down. It was, go as you please, till axe and fire destroyed the woods which were of so much value not only for commercial purposes, but for agricultural and sanitary purposes. It was the same with the rivers and streams and lakes ; the early settlers thought those things were to be used or abused just as they pleased, and the idea never seems to have occurred to the people of those days that trees and fish would ever be scarce. However, we find that both fish and lumber are now scarce. In

the Republic to the south of us, fish and timber have become, in most parts of the country, almost exterminated, and they are trying to take care of the fish and the trees remaining. We are beginning to do it now in a little better time than they have. What is the position of the lumbermen after all? They get grants from the country of their timber limits at very low figures. They get their raw material for little. They get their power for nothing. The river furnishes them their power, they paying nothing for it; and surely it is not too much for the rest of the population to say, "you are getting your power for nothing, and the least you can do is not to pollute the stream that gives you your power." That is not an unreasonable position for the public generally, speaking through parliament, to take, and that is just the position which I think we ought to take. The lumber interest is a very important one as the hon. gentleman from Ottawa says Next to the agricultural interest, it is the most important just now—at least, our exports of lumber are of greater value than any other except the agricultural exports, but the fishing industry is one which, if not quite as important now, is one of a more permanent character if taken care of, and will in a short while be of more consequence than lumber; but the truth is we can protect and save both interests, and that is what we ought to do. We ought to see fair play to both. The hon. gentleman from Sarnia made some observations in which I could not at all concur, but with some of which I do not propose to deal. The hon. gentleman seems to think that the fisheries of the Ottawa were of very little consequence, and that there were never any more fish caught here than there are now. The evidence given before the Senate committee was certainly in a totally different direction. Witnesses came there who said they could, at one time, catch fish in great quantities where they cannot catch them now. Then the hon. gentleman intimated that the saw-dust would be all swept out of the river—that it was of so yielding a nature that every speck of saw-dust would be swept away by the current. It is a rather singular thing that the engineers, who were sounding the river here for the purpose of constructing a bridge across from the province of Quebec to the province of Ontario, found very large deposits of saw-dust of a very permanent character, and witnesses came before the committee and testified that certain islands had actually been increased to double their original size by collections of saw-dust—that there were reefs in the river composed of saw-dust. The hon. gentleman, of course, thought very little about the fish, and he thinks still less about people who go on the river for the purpose of pleasure or exercise, but the truth is that in this neighbourhood it requires about half as much more power as would be required in a clean river to propel a canoe or boat. The river here is more like gruel than like water. However, I am not going to discuss the matter very much longer. There is one point which I wish to make, and as to which I have a totally different view from the hon. gentleman from Sarnia. That hon. gentleman thinks it is a desirable thing that this law should be left in the hands of the government—that the government of the day should have the discretion as to where and when and how the law is to be enforced. I think that is highly objectionable. It is not fair to a government to place them in such a position, to say, there is a law which is to operate over all the country, but if you choose to exempt any particular person in this, that or the other part of the country, you can do so. It leaves the government open to be worried and tormented by people in all parts of the Dominion, and it is more in the interest of the government, that is supposing the government to be perfectly honest and impartial, to leave them no such discretion. It is a very objectionable thing for a government, looked at from the government's point of view; and when, as we know, has happened in several cases, different measures have been dealt out to different millers, it becomes still more objectionable. If there are to be certain rivers exempt, then I contend when the House goes into committee on this bill, it should be made clear what the exemptions are to consist of and what persons and rivers are to be exempt. I have not looked into this matter very much but I have looked a little at what has been done in other places. There are certain states of the union where they have little lumber now, but Maine is still a lumbering state. Certain rivers in Maine have not been taken care of, but on the other hand, other rivers have been and there the common law operates. People bring suits against millers when they suffer damage, and the millers have to pay,

and the consequence is they do not allow saw-dust to go into those streams. But there are other states, younger than Maine, where something has been done. I give the House a section from the annotated statutes of Colorado. Colorado is a new state, and we might be disposed to think that they would be careless in these matters. The following is the clause to which I have referred :

It shall not be lawful for any person to empty or allow the emptying of saw-dust into any of the waters of this state containing food fish, or to deposit the same within such distance that it may be carried into said waters by natural causes.

The offence is made a misdemeanour, and there is a penalty of from $50 to $300 for each offence. I wish to direct the attention of the hon. gentleman from Sarnia to the fact that this law does not contain any provision that the governor of Colorado may exempt any river or section of a river in the state from the operation of that law. I have not gone over many of the states, but I wish to call the attention of the House to the law of the state of Washington, because that state is one in which the lumbering interest is very powerful. It is one of the greatest lumbering states in the union. I read from chapter 11 of the statutes and codes of Washington, published in 1891, the same year as the Colorado statute which I cited just now. This statute provides :

It shall not be lawful for the proprietor of any saw-mill in this state, or any employee therein, or any other person, to cast saw-dust, planer shavings, or other lumber waste made by any lumber manufacturing concern, or suffer or permit such saw-dust, shavings, or other lumber waste to be thrown or discharged in any manner into the Columbia River and its tributaries, and all other streams and lakes in this state where fish resort to spawn, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanour, and upon conviction thereof shall be find in a sum not less than one hundred nor more than two hundred and fifty dollars.

Hon. Mr. SCOTT—There is one law for all.

Hon. Mr. POWER—There is one law for all. I now go to the mother country and I turn to the Rivers Pollution Prevention Act of 1876. I commend this to the government, although I suppose it is in vain, because although they profess to follow English precedents, I notice they generally do not. Still I shall read them section 2 of the Act. It provides :

Every person who puts or causes to be put or to fall or knowingly permits to be put or to fall or to be carried into any stream, so as either singly or in combination with other similar acts of the same or any other person to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or any putrid solid matter, shall be deemed to have committed an offence against this Act.

The penalty for the offence is £50 a day after an order is made on the application of the sanitary authority. There is no power there taken by the Imperial Cabinet to exempt any river. The millers had, you would think, the fullest notice in 1888, and they took no steps whatever to act upon that notice. They had notice last year and as far as we can learn, they took no steps whatever to act on that notice. There is no doubt, they sent out petitions to be signed by riparian owners along the river and sent out petitions amongst their own working men who live on the river, and who would not venture to refuse to sign them, and have brought in those petitions here for the purpose of influencing the government and parliament instead of undertaking to obey the law. I do not know what the hon. member from Rideau proposes to do about this matter, but one thing I think should be done, if no more drastic action is taken when the bill goes into committee of the whole, it should be so amended as to decide clearly that Parliament does not propose at the expiration of two years to grant any further extension. There are just one or two observations, which perhaps, do not bear on the argument at all. The hon. gentleman from Ottawa spoke of the sewage from the city of Ottawa polluting the river further east, and spoke of that as being more injurious than the saw-dust.

Hon. Mr. SCOTT—Oh, no, not more injurious.

Hon. Mr. POWER—Recent experiments in England have established the fact that the worst kind of pollution put into the river in the way of sewage has been completely purified after the current has carried it a mile and a-half from the place of entry.

Hon. Mr. ALMON—I should like to say a few words on this question, because there is a good deal to be said on both sides. I have often walked along this beautiful cliff, to which the hon. member from Toronto has referred, and viewed the river flowing past and regretted very much to see the saw-dust floating down. I thought it a very great

evil, and that if it could be prevented, it certainly should be. But my eye did not rest entirely on the river—it took in the piles of lumber on the other side, and I could not help thinking that it was that lumber which had created the saw-dust. Now, that lumber is one of the greatest exports that we have. It is heavily handicapped in the United States by the duty placed on it, and in England and other places to which it is exported it is met by the United States lumber which is not restricted in the way that we restrict ours. We order the millmen to pull down their mills and to reconstruct them at great expense. If they are put to that expense it stands to reason that they cannot sell their lumber at the same remunerative rates, and therefore we are handicapping our own lumber in its competition with the lumber of the United States. I do not look altogether at the lumber. I look a little beyond the lumber piles and I see the city of Hull. Those are the men who are ground down by the haughty millowners, according to the hon. gentleman from Lunenburg; yet, since I have been in this House, that city has been burnt down twice (I understand it has been burnt three times, altogether), and it has been re-built every time. Has it been re-built by the wealthy millowners? No, but by the labourers themselves, and they must have had money to keep their families and a balance over to build their houses. But I go a little further. I see a large building erected to the worship of God; who erected that? Was it erected by the bloated aristocrats? No, but by these poor, oppressed labourers, who, I am told by hon. gentlemen who have spoken, scarcely get enough wages to keep body and soul together. They have erected a temple to God which would shame most of the towns of Nova Scotia that I am acquainted with. Look at what these bloated millowners have done for the city of Ottawa. Walk along the streets of Ottawa and you will see houses that Halifax would be only too proud if it had one-fourth of them. Who have erected those? The millowners, after having paid them enough to re-build Hull twice, and to build a cathedral which would be an ornament to any city in Nova Scotia and to a good many in Quebec and Ontario. Therefore I do not think I should vote for any law that would prevent the owners of the mills obtaining the money by which to beautify the city, after paying their men wages that enabled them to rebuild their town and to build their cathedral. It has been stated that this law should apply to every place alike; how would the people of Ottawa like to have their mills closed? The hon. member from Lunenburg says that the thousands of people in Hull are serfs and bondsmen and the sooner they are released from the tyranny of their masters the better, but I do not think so. You say the same law should apply to all rivers. I know a river in Nova Scotia, and it is only a type of all the rivers that flow into the Bay of Fundy, the Avon River at Windsor, on which at high tide a vessel of 600 tons can go to the wharf. In low tide a man can cross it on horseback without getting his boots wet. Do you think that any saw-dust could do harm to a river of that kind? The tide rises 60 feet and comes with such a rush that the animals feeding on the salt water grass, when they see it coming, clear away for safety. Hon. gentlemen are very much alarmed by the explosions in the river. I am inclined to think that it is caused by fermentation, and that it is carbonic acid gas, which the hon. gentleman from Sarnia takes in his ginger beer and does not object to at all. You need not be afraid of the fermentation underneath. It takes place from the heating of the saw-dust. In the summer the gas comes up in bubbles which are imperceptible. In winter it blows up the ice and it is very alarming to old women and children, but we need not be anxious about it. There are seveal things that I was about to say, but, an hon. gentleman has remarked, they have been said by others who preceded me.

Hon. Mr. McCLELAN—It is not at all wonderful that hon. gentlemen in this chamber find it difficult to come to a decision on this question, as between the interests of the lumbermen and the interests of the fishermen, when the governments for the last quarter of a century have failed to discover any solution to the difficulty. I sometimes wonder if the succeeding government, which will no doubt be in power in a few months, will effect a change, or if they will alow the same difficulty to continue. The government with all its expenditure in the way of salaries to officials employed to determine how far the saw-dust affects the fish and how fa

rivers are fish rivers, have totally failed to this day to reach definite conclusions, and now we are asked to sanction a bill to extend the option of the government for another two years. So far as this question is being discussed, it is being considered in relation to the Ottawa River, and it certainly is a capital thing, in the interests of the wealthy lumbermen, that the seat of government is at Ottawa. The small rivers in New Brunswick and Nova Scotia, where there is no navigation except what the millowners themselves require, and some of which are not fish rivers in any shape or form, have been subjected to this optional law year after year by both governments—because the same thing existed during the time of the Mackenzie government. Why they should be subjected to this annoying measure hanging over their heads is something I could never understand. I remember one case that happened a year ago in my locality. A large millowner wished to charter a ship to carry some deals to England and he spoke to the fishery warden asking if there would be any difficulty about saw-dust. He was told that there would not be while sawing that cargo and he cabled for the vessel. When he had a small part of the cargo sawn, a superior officer of fisheries came along and said "you must stop this ; you cannot throw your sawdust into the stream." The lumberman was put to a very considerable expense to remove it with wheel-barrows. He had to continue his contract and load his ship, and yet he was subjected to that annoyance without any cause whatever, because afterwards word came along that he could put his sawdust into the river as usual. I have an opinion that those fishery overseers are a little bit too officious in many localities, and I do not quite understand the policy of the government in the public interest exempting some rivers and enforcing the law on others. I should be very much more inclined to support this measure, although it covers a period of two years only,—and the same difficulty will come up again,—if the government were in a position to say what rivers were fish rivers and what were not, or if they would be inclined to extend the exemption, and say that all those rivers upon which the law has not been enforced for the last year or two shall be exempt. If they would do that, it would be a great convenience to many millowners in the maritime provinces, and they would at least know what to depend upon for two years longer. Very much has been said about the Ottawa River. It is a navigable stream, a river in which one would think there is a considerable quantity of fish. There are also the St. John and the St. Croix rivers, which the government exempt from the operation of this law. The St. John is, for a very limited portion comparatively, a boundary between the United States and Canada, but the St. Croix is an international river—it is a boundary. On all those rivers the lumbermen are wealthy, as a rule, especially the lumbermen on the Ottawa. Why ? Because their lumber is pine, a valuable lumber compared with the spruce which our lumbermen have to cut and ship. It is a more expensive material, and the apparatus for burning the sawdust and rubbish would not, relatively to the value of the articlet hey are working with, be so great as it is to these small lumbermen who are working with spruce, a cheaper commodity. Therefore, I do not see why such attention should be paid to the larger rivers. One would think they are rivers in which the public have a greater interest, yet the policy is to exempt the large rivers in the interest of the large lumbermen, and to protect the small rivers where the millers operate with a cheaper kind of lumber and where they have great difficulty in making a living, subjecting them to the inconvenience and uncertainties connected with the operation of the law. The government have been paying out enough to ascertain how far the saw-dust may affect the fish, but with little apparent result. We have no means of knowing how different varieties of fish are affected ; some may be injuriously affected, some may not. These rivers I speak of are mostly tidal rivers emptying into the Bay of Fundy. The difficulty now in applying any definite law to them is this : the lumbermen having come to the conclusion that they would not, as a general thing, be compelled to go to the expense of furnishing appliances for burning the refuse, have built their mills in such a way that it would be ruinous in some cases to change them. The Ottawa men are in a better position to provide burning apparatus than the lumbermen on the smaller streams, who are poorer and not so favourably situated. The mills are built so low down that it would necessitate an entirely new structure, and with the

small margin of profit they have it would be ruinous to them, yet they are resting all this time under this difficulty to which I have alluded. I have mentioned one instance in which a very great hardship occurred. I hope that the minister, when he comes to consider the matter, will decide in the case of all these mills where the law has not been in reality enforced in the past, that they shall be free from the operation of the law for the coming two years as well as those formally exempted by the government.

Hon. Mr. PRIMROSE—When the hon. Minister of Agriculture introduced this bill in the Senate he said that we had more information this year than we had last session when this subject was under review. Anyone who has listened to the debate as it proceeded, must be convinced that opinions are changed and that we are getting more information, and the speeches of hon. gentlemen during this debate showed that such is the case, and I have in my mind's eye the speech made by the hon. member from Ottawa. While he was delivering his speech I was looking over the record of his utterances of last session, and I find that there has been a complete conversion. His utterances of last year were diametrically opposed to his utterances of the present session, and this is just another example of the fact, with which the hon. Minister of Agriculture set out, that we have more information. In that way, too, the answer is found to the remarks which fell from the senior member from Halifax. He spoke of the dignity of the House being compromised in receding from the position which it had once taken. Surely it is admissible to any man, or any body of men, with better information and light, to change their opinions and actions to suit that light and better information. There can be no question about that in my mind. Last year, when the matter was up, I was in favour of the optional clause. I have not sufficient knowledge to indicate now exactly how the thing should be remedied, but what I had in view was this, that the optional power ought to be vested in somebody. In the original Fisheries Act, I believe, it was vested in the Minister of Marine and Fisheries. Now I see it is vested in the Governor in Council, which I think is a better arrangement, but there should be some way of distinguishing between rivers, for there are very different circumstances applicable to different rivers. An instance occurred in my own experience which I will relate to show what I mean. During the recess, this session, I went down home. Here I may say that the methods of conducting the lumber business in Nova Scotia are totally different in recent years from those in use formerly. In olden times the lumber was brought either by streams, rivers, or rail, or sled, or some such appliance, to the large tastionary mill. Now, as everyone who has anything to do with the lumber business in Nova Scotia knows, that is changed, and now the system obtains of sending portable mills into the woods, into the heart of the timber and logs, and there manufacturing the lumber, and this benefit results: instead of having to transport the logs including slabs and saw-dust, you bring out a manufactured article. In order to carry on the business at all, these portable mills have to be set up on streams for the purpose of supplying water for the boilers, and in the second instance for carrying away the saw-dust. In this particular case the man had placed his portable mill on a mere brook. The Act applies to rivers and streams. While a river is a stream, a stream is not always a river. This was a mere brooklet and nothing else, emptying into the head waters of River John, about thirty miles from Pictou. He had a personal enemy who, for some reason or other, had taken a grudge against him, and he went off to the inspector of fisheries and represented that this man was throwing sawdust, contrary to the provisions of the law into the stream, and the result was that the man was fined. I don't think that one particle of that sawdust ever found its way to the waters of River John, and therefore I say that in some way or other (in what way I do not know how to indicate), provision should be made to meet such cases as that, perhaps by the inclusion of an optional clause, vesting power in the Governor in Council to prevent the recurrence of such cases as I have cited. Then there are the international and other rivers which certainly ought to come in as exceptions. Opinions have been advanced in the House—and I say this in the best possible spirit and do not intend to give offence to anyone—by gentlemen who have not really any practical knowledge whatever of the matter on which they have pronounced with all the dictum of an expert. If I had a matter at law that involved intrinsically a question

in regard to law, you would surely think I was a lunatic if I applied to the millmen to direct me in the difficulty; the same thing applies to the other side, when the interests of the lumberman and the construction of his mill and the way in which he should conduct his business are attacked by gentlemen who know nothing practically about the matter. Certainly you cannot attach much value to opinions of that kind. As illustrative of that, I would just say that some of the gentlemen who have spoken said they saw in their travels in the west large mills with immense smoke stacks and a large business going on were they where burning their sawdust. Why cannot the Chaudière men do the same thing? The very answer shows to the practical man that they did not understand the matter at all. Quite without any evil intention these assertions are made, but the difficulty is, these assertions go out to the public with the imprimatur of the members of the Senate, and create a wrong impression in the public mind.

Hon. Mr. MACDONALD (B.C.)—It is only a question of dollars.

Hon. Mr. PRIMROSE—It is a very heavy question of dollars. I do not give my opinion simply on that matter, but I shall back it up with the opinion of others which will be accepted as of some weight. Early this session it was stated that Mr. Edwards had made arrangements for the burning of his sawdust—had in fact put up an incinerator, and the question was asked, why cannot the Chaudière men do the same thing. Allusion has been made to what Mr. Edwards said on that subject, and I wish to cite further from his speech:—

> At the last session of parliament an amendment to the Fisheries Act was introduced in the Senate and came over to this House and was passed in the dying days of the session. It was passed through this House, I think, in one day, at a time when the House was holding two or three sittings in the same day. I happened to be absent at the time, or I would have opposed the passage of the bill. I would have opposed it, not because it would affect me individually in any sense, but because I believe in the public interest, the bill should not have become law. Now, there are a great many who believe that the putting of saw-dust in the river—I will deal with the Ottawa only, because it is the one with which I am most conversant—is an injury to navigation. Let me say at once that if I had my choice, I would prefer that the saw-dust should not be put in the river, but I think the question ought to be decided upon considerations of whether the putting of saw-dust in the river would be a greater injury to the country than would be involved in the effort to prevent the practice. I am engaged not only in sawing but in navigation upon the river, and I make this statement: That in no place whatever in the Ottawa River, except at the foot of the locks, is any injury done to navigation by the presence of the saw-dust. There is no point, even in the shallow places, where there is a less depth of water than there was twenty or thirty years ago. It is true that some of the bays may fill up to some extent, but, so far as the navigation of the river is concerned, the putting of the saw-dust in the river is no injury at all. Boatmen, pleasure-seekers, may perhaps meet with trifling difficulties; but, so far as navigation is concerned, no injury is done. I think that the great question, so far as the Ottawa River is concerned, is whether a great and important industry is to be very seriously interfered with, or whether a few pleasure-seekers are to suffer some little inconvenience upon some ocasions.

Then I had intended to quote what Mr. Scott has already quoted. Further on Mr. Edwards says:

> To enforce the law as it now stands would be a very serious infliction to the Ottawa Valley; in fact, it would imperil the whole business of the Ottawa River; and I think every hon. gentleman will agree with me that the lumber business on that river is our greatest business. Now, I sincerely hope, in the interests of the Ottawa River, and in the interests of the country, that the law now proposed by the Minister of Marine will go into effect, and that, within a period of two years, an arrangement may be made whereby this matter will be finally settled. There is, I think, a question of vested rights to be considered. When this business was begun on the Ottawa River, and on all the other rivers where it exists, it was very small, but it gradually grew and attained the great proportion it has to-day. A very large expenditure has been incurred in mill construction, and a large amount of money has been invested in other ways connected with this industry. If this change has to be made all over Canada, it will be a very serious loss, indeed to the country. Now, what I would suggest is this: looking forward two years to the time when it is hoped some arrangement may be made, I would suggest that all mills at present in operation on such rivers as the Ottawa, where no great injury to navigation is done, should be allowed to continue their operations as at present, but the law should provide that any new mills that may be constructed shall be obliged to dispose of their saw-dust and other refuse otherwise than putting it in the river.

Mr. AMYOT. Speak about fish.

Mr. EDWARDS. Well, so far as fish is concerned, it is true that some maintain that fishing has been seriously injured by throwing mill refuse into the Ottawa River; but I have lived all my life on the river, and am unable to say whether that is the case or not. My own opinion is that it is not the case. It is true that years ago there were more fish in the river than there are to-day, but it is also true that there are far more fishermen on the river to-day than there were years ago.

Fishing is now carried on for commercial purposes, and, consequently, the fish are being more rapidly taken out. There is another thing. The Carillon dam down at the foot of Long Sault, prevents certain fish coming up the river, and that is, I think, another reason why the quantity of fish may have been lessened. But if the saw-dust were injurious to the fish, I think they would have ceased altogether to exist in that river. Many kinds of fish that existed years ago are still found here, but perhaps in less numbers than formerly. But let me remind the House that the petition presented to this parliament by myself, bore the names of nearly every fisherman on the river; in fact, I think every fisherman signed the petition.

That is a strong position to take, and the authority is undoubted. The gentlemen to whom I have referred, who will acknowledge themselves that they are not experts, when it comes to authoritative statements regarding this matter ought surely to admit that the millmen know their own business.

At six o'clock the Speaker left the Chair.

## After Recess.

Hon. Mr. PRIMROSE resumed his speech. He said: When six o'clock was called, I was about to refer to the statements and documents submitted by the Ottawa and Gatineau saw-mill owners on this subject. I think I shall save time by quoting the salient points, as I esteem them, of this pamphlet, in reply to statements which have been made in opposition to the bill. The first is the paper from the millowners, who surely know what the requirements of their business are. They say:

For very many years prior to the passing of the Act of last session saw-dust and other waste material from these saw-mills had been lawfully permitted by the owners of the mills to pass into the Ottawa and Gatineau rivers. Owing to their being water-power mills, and to their location and construction there was no other way of disposing of it. Whilst, perhaps, some of the mills might, with a considerable outlay, be fitted with appliances to dispose otherwise of the saw-dust, &c., as to others of them it would be practically impossible to comply with the provisions of the Act of last session except by a complete reconstruction or total stoppage and abandonment of them. The greater number of the mills were built at a time long prior to there being any legislation in the direction of the prohibition now provided for in the Fisheries Act with reference to the putting of saw-dust, &c., into the streams in question. As to those of them at least which would require to be either wholly rebuilt or reconstructed in order to comply with the law, the enforcement of the prohibition would mean the loss to the owners of the cost of the total reconstruction of their mills and the derangement of their business meantime; and as to those of them who in order to obey the law would find it necessary to wholly abandon their operations it would mean to the owners the loss of the means of carrying on their manufacturing business and of the capital invested in these mills, and to the localities interested it would entail the very serious loss of local employment for a very large number of men.

Such being the position in the session of 1894, without any notice or knowledge on the part of the lumbermen that any such legislation as that of last session was contemplated, and therefore without any opportunity whatever being afforded to the saw-millowners affected, of being heard or of having their side of the question presented to Parliament, the amendment referred to was made law.

Here let me say that I was somewhat astonished last session to find that the information which is contained in this pamphlet was not available, but it seems that the millowners themselves did not know what was going on. Without knowing anything about it, and without being able to bring in any evidence on their side of the question, the bill was passed.

Hon. Mr. CLEMOW—They appeared before the committee of this House in 1888 and gave evidence.

Hon. Mr. PRIMROSE—I now come to the report of Mr. Sandford Fleming, made in 1889. I wish to direct attention to the fact that it was made at a more recent date than any of the reports to which reference has been made in this debate. It indicates in a manner which the other reports do not indicate, the condition of affairs six years ago. It was with some degree of astonishment that I heard this report, I will not say discredited, but something shading in that direction applied to it. Mr. Fleming's reputation is such that anything he should say and assert to be a fact, which he himself had proved to be a fact, would be accepted by most people. Mr. Fleming's professional reputation is too high to be affected by any such criticism. I wish to direct the attention of the House to the clear, concise and direct style of statement which characterizes his report as contrasted with the language of some other reports to which we have listened, such as this: one gentleman who was said to be a mechanical engineer says that he was "under the impression that saw-dust extended down the river." That is hazy, misty and nebulous. There is nothing of the kind about Mr. Fleming's evidence. This mechanical en-

gineer "never made any special soundings," and yet he speaks of the condition of the channel of the river—it was "reported to him," the bays were "filled up" and "the channel will be," he made no special soundings and yet he prophesies. He says there is no mechanical difficulty in destroying the saw-dust. That shows how much the man knew about the matter. You will find nothing of the kind in Mr. Fleming's report. He says:

The object of the examination was to ascertain to what extent the refuse from the various sawmills interferes with public and private rights, and more especially to determine definitely how far the navigation of the river is obstructed from the same cause.

The annual product of manufactured lumber of all sorts at the various mills around the city of Ottawa will probably average fully 300,000,000 feet B. M. If we estimate 10 per cent of the annual output as waste we have 30,000,000 feet B. M. or 92,592 cubic yards of refuse, a large proportion of which passes into the river. Whatever the proportion, it is reasonable to suppose that such a quantity of foreign matter if deposited locally would necessarily produced some marked effect. Much, if not the whole of this waste material is buoyant and it is carried away by the stream to a greater or lesser distance, possibly some portion finds its way to the lower reaches of the river, towards the ocean.

The waste product from the mills is, however, not without advantage to another class of people. There are a large number of families settled along the river banks between Ottawa and Grenville who appear to have selected this site of their habitations on account of the supply of fuel which is annually floated to their doors. During the summer months numbers of women and children may be seen regularly at work in boats and canoes gathering in from the stream their winter's supply of fuel.

There is in reality a considerable population dependent on the mills for their winter's firewood which thus costs them only the trouble of gathering it.

As already indicated, I found large deposits of saw-dust in side channels, sheltered bays, eddies and inlets (but the main channel of the river remains unobstructed for the purposes of navigation.)

I caused soundings to be taken during the past season on lines of cross-sections which were made by the Government engineers the year previous.

These cross-sections extend generally from shore to shore of the Ottawa, across the navigable channel.

Then he enumerates the points, and continues:

An examination clearly shows that the bed of the river has to some extent been changed within the period of twelve months, and that the change is generally in the increase of depth. At one or two points, the bed rock of the river has been laid bare, so that the depth at such spots cannot be further increased from the same natural cause. I can only account for the increase of depth in the channel by a greater scouring effect of the current, and it is just possible that this may be due to the lessening of the depth in the bays and shallows and side inlets, producing a tendency to increase the flow of water in the central portion of the river. Be the reason what it may, it appears that the navigable channel is fully maintained in its integrity, and the increase in depth is confirmed by the statements of old river pilots who allege that the channel is better now than it was thirty or forty years back.

In addition to the new cross-sections referred to, a series of soundings has been made on a continuous line along the entire length of the channel from Ottawa to Grenville, a distance of sixty miles. These soundings reveal a depth of water for the greater part of the distance which is indeed remarkable.

Then he gives every mile of the 60 from Ottawa to Grenville, showing the least depth to be 6 feet and the greatest 142 feet. He sums up as follows:

These soundings establish that when the water is at its lowest the channel between Ottawa and Grenville is for a total length of 59 miles greater in depth than 10 feet; that for one-third of the whole distance the depth exceeds 50 feet; that for about 11 miles it exceeds 75 feet, and that for 5½ miles the water is more than 100 feet, attaining a depth of 142 feet under the lowest recorded level.

Only at five points on the whole distance of 60 miles is the depth of the channel at extreme low water under 10 feet. They are as follows:

1. At the entrance to the Rideau Canal for about 600 feet out from the lower lock.

2. At the head of Kettle Island at the beginning of the fourth mile from Ottawa, near the cross section marked "AA." Here the least depth in the channel is 8½ feet.

3. On the 9th mile below Ottawa, near the lighthouse, directly east of the cross-section marked "CC." Here the least depth in the channel is 6 feet.

4. Below the mouth of the Blanche River on the 10th mile from Ottawa. Here the least depth in the channel is 7 feet.

5. At Parker's Island on the 31st mile below Ottawa. Here the least depth in the channel is 7 feet.

These places have been examined carefully; the shallow spots are of no great extent, being limited to a few hundred yards in each case, and as already stated there is only an aggregate distance of a mile in the whole 60 miles within which the depth is not greater than 10 feet. Borings have been made by which it is established that in cases 2 and 3 the material in the channel bed is coarse red sand. In cases 4 and 5 the boarings indicate a fine sand or silt; the material in all cases being easy of removal. Except in the case of No. 1 the borings did not reveal the presence of saw-dust or mill refuse in any form in any part of the main channel. It is inferred that these points are simply natural shallows such as are found in all rivers.

The evidence goes to show that these shallow portions of the channel have quite as much water over them as when the River Ottawa was first navigated. Only in the case of No. 1 is the navigation in question affected. Here there is a deposit for a distance of about 200 yards outwards, from

the entrance to the lower lock. The deposit here is probably for the most part saw-dust, and it is due to the fact that the entrance to the Rideau Canal is in a deep and sheltered bay, where the saw-dust collects and where there is no current sufficient to carry it away. With this exception, it is established beyond all question that no appreciable injury has been done to the navigable channel of the river through the operations of the lumbering manufacturers.

Moreover, it appears that the lumber manufacturing interest would suffer very much more than all other interests from any possible injury to the navigation. This inference is drawn from the volume of river traffic, as shown by government returns. If the tolls collected on tonnage passing the Grenville Canal be taken as a criterion, we may judge of the value of the traffic by the following table, which gives a comparison for a period of ten years.

Then follows the table which I need not read. He continues :

By these returns it is established that the gross revenue from canal tolls in ten years ending 31st December, 1887, was $471,923, of which sawn lumber contributed $412,844, and all other traffic, $59,079.

This does not include timber in rafts, saw-logs, ties, &c., of which he furnishes a statement. He continues :

If the latter tolls be included, it would appear that the lumbering interests contributed $48,522.59 of a total canal revenue of $49,830.11. But taking sawn lumber alone which pays close on 90 per cent of the aggregate tolls collected, there cannot be a doubt that the manufacturers are to a much larger extent concerned in the navigation of the river than all other interests combined.

In connection with the depth of water in the channel my inquiries go to show that the barges used in the transportation of sawn lumber are greater in draught than any other craft now employed or which have at any previous time been employed on the river.

The question arises, are the causes in operation, if continued for a sufficiently long period, likely to damage the Ottawa as a navigable stream ? This inquiry is of great importance and demands special attention.

It is not easy to ascertain the exact quantity of solid matter cast into the river from the mills, be the quantity what it may, the material being buoyant is carried forward a greater or lesser distance before it sinks or disappears.

Wherever it may find its way to the bottom, it is seldom found in a compact body. A deposit of saw-dust is easily moved by currents, and as the volume of water in the Ottawa during floods is very large and of great force it may be assumed that no deposit of this loose material can remain in the shallow parts of the main channel, where in fact the currents are always greatest.

It has been satisfactorily established by the recent examination that during the constantly recurring periods of high water any such deposits are moved forward by the currents and carried probably to parts of the river where the water is deep and still.

Taking that portion of the Ottawa between this city and Grenville and dividing the whole distance of 60 miles into subdivisions of 10 miles each, we obtain from the recent measurements the following average depths in the channel at extreme low water.

From these averages we have for the whole 60 miles of the channel taken in subdivisions of 10 miles.

1. A mean minimum depth of 32 feet 9 inches.
2. A mean maximum depth of 58 feet 7 inches.
3. A general mean depth of 45 feet 9 inches.

It will be borne in mind that all these depths mentioned refer to a stage of the water which has only occurred once in the past 17 years, that is to say when the river fell to but 4 ft. 6½ in. over the lock sill of the Rideau Canal, on the 1st of October, 1881.

The large quantity of refuse passing from the mills would in a shallow sluggish river very soon produce objectionable consequences, but the deductions drawn from the recent survey show conclusively that the Ottawa is so exceptional in its character and has depths so profound that the evils to be feared from the filling up of the channel are exceedingly remote.

This clearly establishes the position taken by the millowners, that if anyone is to suffer by interference with the navigation of the Ottawa River, they are the men. That is an argument the force of which this House will be ready to recognize. The prophecy has been made over and over again during this debate, and I am astonished to hear it reiterated as often as it has been, that the channel of the Ottawa is going to be filled up—that it must be—whereas the fact is known to every man of us that this business has been carried on 70 or 80 years or more on this river, and longer on rivers in the United States and to a much larger extent, and the channel in every instance is unobstructed. Mr. Fleming continues :

I have had an estimate prepared to convey some idea of the length of time which would elapse before the deep parts of the river between Ottawa and Grenville would be filled. This estimate is based on the soundings recently made and on other data. According to this estimate it would require 350,000,000 cubic yards of solid material to fill up the deeper parts to a line ten feet under extreme low water. I have already indicated that the quantity of saw-dust and refuse of all kinds passing from the mills cannot on an average be more than 100,000 cubic yards per annum. It is not possible to determine what part of this material remains above Grenville. It is reasonable to suppose that some of it finds its way to the lower reaches of the river, but assuming that no part of it is carried towards the ocean and that its volume is not reduced by pressure or by any natural process, the question resolves itself into one of simple proportion, viz. :—How long will it take to deposit 350,000,000 cubic yards at the rate of 100,000 cubic yards per annum ? This whole calculation may be held to be but roughly approximate, yet it will

give some idea of the enormous length of time which would elapse before the deep space under the level demanded by a navigable channel could be filled up.

The examination which I have made points to the following conclusion :

1. With respect to private interests, there can be no doubt that riparian owners in some individual cases suffer actual damage from the operations of the lumber manufacturers. While this is the case more especially in the neighbourhood of Ottawa there are many persons living along the river banks between this city and Grenville who are benefited in a manner which to them may be considered material. These persons may indeed be counted by hundreds, and they would feel it to be a great deprivation if through any cause they were cut off from their annual supply of firewood.

2. There has been a deposit of saw-dust directly in front of the Rideau Canal in the city of Ottawa it extends from the lower lock, a short distance into the river. The removal of less than 10,000 cubic yards by dredging at this spot would enable all vessels navigating the canal to enter with ease when the water is at its lowest stage. With this single exception I am unable to see that the navigation of the River Ottawa has been injuriously interfered with to any appreciable extent. Moreover, if the official returns afford a means of judging it appears that the lumbering interests are more deeply concerned in the maintenance of the navigation than all other interests. The official returns of traffic through the Grenville canal showing that the lumber business pays nearly all the tolls collected.

3. With regard to the future it is conclusively established that there is no probability of the navigation between the city of Ottawa and Grenville being irretrievably destroyed or seriously obstructed from the cause assigned for centuries to come.

If any one wishes to know without going to the trouble of making the calculation, how long it would take at that rate to fill up the channel of the Ottawa I may say that it would take a period of about 3,500 years. Some hon. gentlemen laugh, but I should like to hear them controvert that statement. Then comes the report of the Ottawa and Gatineau saw-mill owners to the Minister of Marine, some points of which have been mentioned before. I shall, however, quote from it the following :

1. As to the alleged injury to the navigation.

With regard to the future it is conclusively established that there is no probability of the navigation between the city of Ottawa and Grenville being irretrievably destroyed or seriously obstructed from the cause assigned for centuries to come.

It is quite true that the commission referred to, (that of 1872) and Mr. Fleming also, report deposits in two or three of the bays immediately below the Chaudière Falls, the most important of which is at the foot of the locks of the Rideau Canal. This deposit can easily be removed by dredging, and has been so removed on two separate occasions at long intervals at the expense of the lumbermen, and we are quite prepared, when this particular deposit becomes troublesome again to remove it. The evidence adduced proves conclusively that there is no damage whatever to the navigable channel from saw-dust or mill refuse except at the one point referred to, and as this deposit can very easily be removed, we submit that its existence should in no manner weigh against the interests of such an industry as the lumber trade.

Mr. Fleming shows most conclusively that for centuries to come no danger can be apprehended to the navigation. The correctness of Mr. Fleming's conclusions are fully borne out by the results upon the Hudson River in the state of New York, where the practice of throwing saw-dust and mill refuse into that stream has prevailed without hindrance or restriction for fully a hundred years; with reference to which Mr. D. M. Greene, C.E., in his report upon this question in 1873 states as follows : "Thus it appears that the very question under consideration has been subjected upon the Hudson River to a very severe practical test covering a period of nearly a century, and yet saw-dust obstructions in the navigable channel or in the canals fed from this river have never been known."

2. As to the question of the fisheries.

Permit us to say that the Ottawa River is not and never was what might be called a fish river and there are probably as many fish taken from the stream to-day, having in view the fact that it has been fished for a great number of years, as from any other stream in Canada under similar conditions as to original supply, etc., and we venture the assertion that the material coming from the sawmills and removed from the river as firewood by the settlers along its banks is of far greater value than all the fish that were ever taken from it as will be seen from various petitions from settlers along the river sent in to the Government from time to time, praying that the practice of throwing mill refuse into the river be not discontinued.

Moreover, the Carillon dam, at which no fishways have ever been provided, has been an absolute barrier ever since its construction to the ascent from the lower reaches of the Ottawa and the St. Lawrence of the fish that would doubtless otherwise have found their way as far up as the Chaudière, and would have effectually altered the character of that portion of the river between this city and Grenville as a fish stream.

That the presence of saw-dust and mill refuse in the Ottawa is not injurious to the fish in that river is manifest from the experience of the Commissioners of Fisheries of the state of New York upon the Hudson River into which stream, as has been already said, this material is thrown without restriction or hindrance. In their "Seventeenth Report" published in 1889 they state (page 10 of the report) that "In the increasing number of shad caught yearly in the Hudson, are rapidly growing evidences of the presence of salmon in the same stream * * are sufficient proof of the value of the work of the commission in the past, and the future will show still greater results."

We venture the opinion that the construction of proper fishways at the dams upon the Ottawa, as in the case of the Hudson where these fishways are built past the very dams, in several instances, that establish the head of water for driving the sawmills that throw their saw-dust and mill refuse into the river; and the same well directed efforts towards the re-stocking of the Ottawa with suitable kinds

of fish would produce the same results that have been secured upon the Hudson, notwithstanding the presence of saw-dust and mill refuse in that stream.

We respectfully suggest that at all events it is manifestly unfair to cripple so important an industry as the sawn lumber trade upon the bare assumption that, as now conducted, it proves to hurtful the fishery interests upon the Ottawa, so long as the weight of evidence is strongly to the contrary; and so long as the means ordinarily employed for the maintenance of a fish supply, and which are successful elsewhere under practically the same conditions as obtain on the Ottawa, are neglected upon that stream.

4. As to the alleged injurious effect upon the public health of the throwing of saw-dust and other mill refuse into the river.

Upon that point we beg to state that the cities of Bay City and Saginaw, in the state of Michigan, are built largely upon made ground filled in with sawmill refuse. Inquiry made in 1890, when this matter was again under consideration, of the officials of these cities as to whether or not the public health had suffered from the facts referred to, elicited the following replies: Mr. Barber, city recorder of Bay City, writes as follows: "I have not heard of any complaints being made in this city or any other cities along the said stream (the Saginaw River) relative to the injurious effects the said matter would have upon the public health; in fact the vital statistics here compare favourably with any other city or section in the state." William Binder, controller of the city of Saginaw, writes: "I have been living here ever since the first mill started in 1850. A great many low grounds and bayous have been filled with saw-dust and slabs, without endangering the health of the citizens. We have roads which are made of slab filling 6 ft. 8 in. high and saw-dust on top of them; so far they have not endangered the health of the population."

5. As regards the beauty of the landscape.

Upon that point we admit that floating saw-dust does not improve the general appearance of the river, but it must be remembered that this is a utilitarian age and that the interests of any important industry, the success of which affects the well being of so many people, are invariably held to be paramount to the gratification of mere æsthetic taste, satisfactory and desirable as that may be under proper conditions.

In considering this question it should be borne in mind that lumber has been manufactured upon the Ottawa for upwards of forty years and upon its tributaries at least ninety-five years, during which time saw-dust and mill refuse have been thrown into the stream. If during that long period of time no substantial injury has resulted to any public or private interest from this practice, which we submit can easily be shown to be the case, there can be no grave danger to such interests from the continuance of this practice. Especially will this be seen to be the case when it is remembered that probably two-thirds, if not more, of the timber of the Ottawa Valley has already been harvested, and that in future the lumber industry must gradually decline.

The official returns of the Crown Lands departments of Ontario and Quebec, from the Ottawa section, and the statements of the Upper Ottawa Improvement Company of logs brought down the Ottawa from year to year, will show that during the past six or eight years the volume of business upon the Ottawa and its tributaries, especially in the Ottawa district has declined nearly or quite fifty per cent. When we couple with this decline the fact that saws of much lighter guage are used in the manufacture of lumber than were used eight or ten years ago, we are quite safe in saying that the volume of sawdust and mill refuse thrown into the Ottawa is considerably less than one-half what it was say ten years ago.

The present situation of this question then is; that the pine upon the Ottawa has been two-thirds cut; that the annual volume of business has declined nearly or quite fifty per cent, and that the quantity of saw-dust and mill refuse from this greatly decreased volume of business is very much less per thousand feet than was the case several years ago probably not over one-third in the aggregate what it was then. But even assuming that all saw-dust, and what is called 'mill refuse,' were kept out of the river, there would still be a considerable quantity of rubbish composed largely of bark from the logs which cannot be kept out of the river, and the presence of which in the stream must necessarily be an incident of the lumber trade so long as it continues to be exploited upon the Ottawa.

We have no desire that our private interests should be in any way promoted at the expense of those of other private individuals or of the public. This is a question that must be looked at from the standpoint of the greatest good to the greatest number, and we submit that upon the questions as to the effect of this material upon the navigation, upon the fishery interests, upon the purity of the water and upon the public health, no satisfactory evidence has been adduced to prove that any substantial injury arises from the presence of saw-dust or mill refuse in the River Ottawa, but that upon the other hand it is productive of greater good than injury.

It may be deemed superfluous for us to make any statement as to the probable effect upon the business interests of the Ottawa section of the enforcement of the Fisheries Act as amended at the last session of Parliament, but inasmuch as it is a matter in which the people of Ottawa and its vicinity have a very substantial interest, we may be pardoned the statement that such enforcement must have one or other of two results; either that the mills must be removed to some other locality, since Ottawa possesses no advantages as a lumber manufacturing point apart from the unrestricted use of the water power, but on the other hand very many serious disadvantages, or, that burners must be erected for the burning of this material, which will tend to create a smoke nuisance throughout the whole city, and will doubtless be taken advantage of by insurance companies to raise the rates upon all insurable property within the limits of the city. In either case, we submit that the public interests, so far as Ottawa is concerned, would suffer much more than they could by any possibility suffer from the present practice of allowing this material to pass away in the running water of the river.

As some members of this House are aware, the saws used in almost all processes of manufacture now are very much thinner than those which were used in former years.

Especially is this the case with the band-saw, which does a large proportion of the work in the mills. It is very much thinner, and the kerf, that is the part taken out by the operation of the saw, is a half or two-thirds less than it used to be. You can see how materially that effects the situation. Then, with reference to the burning of refuse, I may say that in some places where these incinerators have been started the nuisance has become almost unbearable, not merely to the locality, but for a distance, which would surprise hon. gentlemen.

Hon. Mr. MACDONALD (B.C.)—That is all stopped by having a wire netting over the top.

Hon. Mr. PRIMROSE—But they do not all have wire netting.

Hon. Mr. MACDONALD (B.C.)—They ought to have.

Hon. Mr. PRIMROSE—Complaints have been made even where such netting is used. It is a fact that refuse comes from those incinerators and floats over the city and adjacent country to the injury of clothing put out to dry.

Hon. Mr. MACDONALD (B.C.)—I have seen them working in lumber yards for many years—right in the middle of the lumber, and no accident has occurred from them. They wire over the top of the smoke-stack.

Hon. Mr. PRIMROSE—These are the representations by the lumbermen. Now, for a statement or two from Mr. Edwards. The facts are put so tersely and succinctly that I am sure I shall be excused for making the quotation.

Hon. Mr. CASGRAIN—Is that pamphlet issued by the millowners?

Hon. Mr. PRIMROSE—Yes; but I have also quoted from the report of Mr. Fleming. Mr. Edwards says:

> We have never heard the settlers along the banks of the river complain or advance in any way the theory that the number of fish has lessened in the stream as a result of putting sawdust in it, but we have frequently heard the assertion made by city people who know nothing whatever of the matter.
>
> There is, we understand, a prevailing idea that our case at Rockland is an example of what can be done generally. But this is a serious error. The most convenient way of disposing of our mill refuse here is to burn it. The appliances for doing so were constructed at a cost of ten thousand dollars. At our smaller mill at New Edinburg, which is on the side of a cliff, the same can be carried out at small cost, and in the construction of this mill we had this in view, and regardless of any law we are going to build a burner there also, because it is the better means of disposing of our refuse. But there is no parallel case on the Ottawa. The situation with each of the other lumbermen having water mills is this:—The mill is built in the bed of the stream, it is low down; there is no means whatever of getting in carriers to concentrate the sawdust and elevate it into burners. If the mills were high enough and it could be done, the cost for the water mills would be say from $20,000 to $50,000 each for the carriers and burners, saying nothing about the cost of operating it afterwards. But it is our frank opinion that in most, if not in every case, reconstruction would have to take place, in which event no estimate of cost could be ventured.
>
> Finally allow us to say this: We are competing lumbermen, and if we had in view our own selfish interests, we would join the crusade against all lumbermen putting sawdust in the river. But we are unable to join any campaign that has no foundation in truth, and one that if successful will be detrimental to the best interest of the entire Ottawa River.

Last session, when this subject was under discussion, I had the privilege and pleasure of going into Mr. Booth's mill, the one which was afterwards destroyed by fire, and I realize the difficulty which would have been experienced in changing that mill. I suppose it is likely that some hon. gentlemen who have spoken on this subject have not spent a week in a sawmill in all their lives; I have spent years. A very unfair remark was made with regard to Mr. Edwards in the discussion of this matter, that of course he would favour his fellow mill-owners. So far from this being the case, he says: "We are competing lumbermen, &c." I do not think that Mr. Edwards's is built on that plan. I now come to the resolution of the Ottawa Board of Trade. It is as follows:

> I am directed by the Board to transmit to you for your consideration a resolution passed at a general meeting of which the following is a copy:
>
> That whereas the amendment of the Fisheries Act passed the last session of Parliament revokes the exemption granted to the sawn lumber manufacturers of the Ottawa Valley and compels them from the first of May next to find other means for the disposal of their sawdust;
>
> Whereas the practice of depositing saw-dust in the Ottawa river and its tributaries has existed for the past forty years; and
>
> Whereas all the water mills on the Ottawa and tributaries have been constructed with a view of thus disposing of their saw-dust; and
>
> Whereas these mills have now and have always been the main industry of the Ottawa Valley, giving employment to thousands of persons at all times of the year; and

Whereas the manufacture of sawn lumber in later years is being largely done in the woods by the erection of steam mills on the limits, thereby greatly curtailing cost of same ;

Be it therefore resolved, that this board is of the opinion that if there be any damage or injury arising from the practice of throwing sawdust or mil refuse into the Ottawa or its tributaries, it has already been done and that the few remaining years the industry is likely to continue will add but little if any to existing conditions : and

That this board strongly protests against any action of Parliament that would tend to drive this industry from its present location, and would earnestly impress on the Government our objections to any restrictions that would have this effect ; and

That a copy of this resolution be sent to the hon. the Minister of Marine and Fisheries with a request that he will place it before the Government, respectfully asking their careful consideration of this important question.

It will not be assumed that the Board of Trade of Ottawa is entirely under the thumb of the mill-owners. Then comes the statement of the riparian owners, some of whom have been quoted by the hon. member from Ottawa :

5. That pine saw-dust and edgings have been put in the Ottawa River at this place for upwards of 90 years without injury to fish, navigation or otherwise, and your petitioners believe that pine saw-dust or pine edgings do not affect or injure the fish that are now to be found in this part of the Ottawa river, but that the government dam at Carrillon does entirely prevent the ascent of fish of all kinds from the lower St. Lawrence and shad from the sea ; the latter entirely disappeared after the dam was completed.

6. That if the act passed last session is enforced it must leave the proprietors of the Hawkesbury mills no other alternative but to close their mills, to the great injury of the surrounding country.

7. Your petitioners would humbly pray that your Parliament would exempt these mills from the recent Fishery Act, so as to permit of saw-dust and mill edgings being allowed to go into the river as heretofore at Hawkesbury mills, as in like manner the government did at the request of a similar petition sent to the government some 17 or 18 years ago.

We have had a good deal of documentary evidence on this matter extending over a great many hours and I beg to be excused by the hon. members of the House for the use I have made of this pamphlet. It cannot be affirmed of me at all events that I have not "spoken by the book." Reference has been made to one gentleman to whom professedly injuries have been done and who has taken legal proceedings—that is the boatman Antoine Ratté. Several speakers have alluded to him. There is one feature of his experience which attracts my attention and it is this : He professes to have been injured to the extent of $2,000 per annum by this saw-dust accumulating in a place where he has his boathouse and on taking the case to the court he was awarded a sum amounting to $3,500 in all for injury done to him over a period extending from 1879 to 1884, which is a period of five years. The court evidently did not estimate the damage which had accrued to Mr. Ratté at his own valuation. I have been told, although I know nothing personally about the matter, that this gentleman was perhaps unfortunate in the selection of his locality for providing boats for pleasure, etc., where he selected his site there is a very rapid current and also the boats supplied were said to be unsuitable. Before resuming my seat I cannot refrain from giving expression to my views of the language which has been used as applied to these gentlemen, the lumbermen of Ottawa. I cannot characterize it otherwise than as unjust, ungenerous and unjustifiable, and I am prepared to maintain the position that it is so. What evidence is there before this House that these men are tyrants and terrorists, as they have been called in the progress of this debate ; what evidence is there that they are unjust to their men? If I personally had a case in court I would much rather let the case stand on its own merits, even though I had some doubts about its validity than accept such advocacy as that. I would consider that my case was much more injured than benefited by it by such advocacy. In the discussion of last year the same language was used, and I say it was unjust, ungenerous and unjustifiable. I look upon it in this light, that these are the men, and such are they who make a country great an l prosperous, who by sheer force of character have overcome time and again manifold difficulties before which their would-be critics would simply stand appalled. That is the view that I take of it, and if these gentlemen have obtained wealth is it a sin that they have done so? From what I have heard of the business in the Ottawa Valley it is not everyone of them that have become wealthy. I have been told that many of them have failed and failed repeatedly. I see no crime in being wealthy, the fact that they have become wealthy is a credit to them, because they have not only elevated themselves, but in doing so have brought the people up with them. It is very easy to say of them that they do not afford sufficient wages to their employees. But look,

for instance, at the ovation which was tendered the other day to Mr. Edwards by his employees at Rockland, and at what they say concerning the wages paid to them. Odium was cast on Mr. Edwards in regard to this matter in the other House.

Hon. Mr. POWER—Because he burns his saw-dust?

Hon. Mr. PRIMROSE—The same applies to the men at the Chaudière—we have no reason to think that they are different. The using of such language in regard to such gentlemen reminds me of the practice at the bar which has become now, I am glad to say, almost obsolete, and that is that when a gentleman at the bar has no other valid argument he resorts to the unwholesome practice of abusing the opposite counsel. That seems to have been the method adopted in this case. There is a grand old Roman maxim the spirit of which I trust will be justified and receive its further exemplification and endorsement at the hands of this honourable House in dealing with this vexed question. It contains just four words: *fiat justitia, ruat cœlum*—"Let justice be done though the heavens should fall," and let me add, though a residuum be left in the Ottawa and some of our other Canadian rivers.

Hon. Mr. BOULTON—The question has been debated and a great deal of evidence brought forward, but I regard the matter that is now before the House in the light of class legislation. The bill that is now brought down is evidently introduced in the interest of a certain number of lumbermen who control the large lumbering interests. In debating this question it has almost altogether been confined to its probable effect upon the lumbermen of the Ottawa River, and the injury that is being inflicted upon the Ottawa River itself, and, therefore, when I speak of the question in regard to the Ottawa, I speak of a subject which has been the subject of debate in this House during the past four or five years, and has also been the subject of investigation by a committee of the Senate as far back as the session of 1888. In that respect, I say the question before the House is one of class legislation. There are two interests involved: one, the interest of the few lumbermen who control the industry upon the Ottawa; the other, a great public interest, a large portion of which is centered in the question of the fisheries and the navigation, which come under the purview of the Marine and Fisheries Department. I always listen with pleasure to my hon. friend from Pictou, but he has shown on this occasion a very earnest advocacy of class legislation, to which I have a decided objection when it is conceived in that spirit. We are here for the protection of the public interests and to judge honestly what is best for the permanent interests of all. The lumbermen are quite capable of protecting themselves. The hon. member from Rideau has quoted from the evidence taken before a committee of the House in the session of 1888. We have had evidence presented to us by the hon. member from Pictou representing a committee convened by the lumbermen themselves.

Hon. Mr. PRIMROSE—A committee convened by the lumbermen themselves—what do you mean?

Hon. Mr. BOULTON—The representations advanced by the lumbermen themselves—what the hon. gentleman has been reading. The hon. member has been reading the case desired to be presented to this House by the lumbermen themselves.

Hon. Mr. PRIMROSE—Part of it.

Hon. Mr. BOULTON—And part of it is the evidence of Mr. Sandford Fleming, the engineer whom they employed to take soundings and make a report on their behalf. I understand a report was made by an engineer employed by the government on behalf of the public. That report, as I understand, has never made its appearance before this House, although it has been called for. We have never had an opportunity of knowing what report the government engineer made, and we can only suppose that it is opposed to Mr. Sandford Fleming's report and has been withheld in the same interest that this bill is now being brought before Parliament. Now the bill that has been brought before this House is to rescind legislation that was passed last year. It is for the purpose of rescinding legislation which was the culmination of all the reports that has been made upon the floor of the House in regard to this question, commencing with the committee that made

its report in 1888, quoted by my hon. friend from Rideau Division, and the efforts that he and others have made continually from time to time in order to give effect to the report of that committee. Last year when the legislation was before this House, the hon. member from Ottawa took an entirely different ground from the ground he has taken to-day. In fact, he would appear to me to be something like the counsel into whose hands a brief was put and got up and made his remarks in regard to the brief; when the attorney looked on with astonishment and said: "Why, you are arguing on the wrong side," and he immediately changed and said, "Yes, that is what my opponent is going to say, now, I will give you the other side." That is the position the hon. gentleman from Ottawa has assumed in this House, and in doing so, he has assumed with the government, to legislate for the class as against the public interest. Both sides of the House are to blame because the influences of the lumbermen are of such a character that they propose to ignore the public interest in the matter, and have advanced reasons why legislation should take place in their particular interest because they control such large interests, and therefore should not be interfered with. They propose to ignore the evidence that has been brought forward before the committee that was appointed, I will just read you one clause from the report in 1888 which says:

> Your committee are of opinion that it is established beyond question that extensive deposits of saw-dust and other mill refuse exist in the Ottawa River, from the Chaudière Falls to the head of the Grenville Canal, and that these constitute a very serious and steadily increasing interference with public rights of navigation, which has already become seriously obstructed, and must at no distant period, if immediate measures are not taken to arrest the evil, become irretrievably destroyed.

That is one clause in the report. After a careful discussion of the matter, after evidence of engineers and of the lumbermen themselves, after evidence of a varied character, that was the report of the committee that was brought down at that time. Following up that report, following up the efforts that were made by the hon. gentleman from the Rideau Division, legislation was brought down last year to say that the lumbermen must make some arrangement in order to stop the putting of saw-dust into the river. Now what do we hear the hon. member from Pictou say? He said: "We have only a few more years of lumbering, and therefore for the few years we have left of lumbering in the Ottawa, you had better let us alone and not hamper us."

Hon. Mr. PRIMROSE—That is not my position.

Hon. Mr. BOULTON—Those are the words.

Hon. Mr. PRIMROSE—I said they had been claiming that this was such a manifest injury that in a very short time the channel would fill up and all the other evils accrue that had been spoken of. Now, for years past the causes have been existent which according to their view of the matter should produce that effect and have not produced it, and these conditions are lessening each year. The trade is less and the saws are thinner, and there is less saw-dust thrown in the river and less chance of all those things coming to pass.

Hon. Mr. BOULTON—He says the evil is lessening in consequence of the decrease of the trade. All I can say is, I regret very much indeed to hear that being put forth on behalf of the lumbermen. I think myself, that it is not correct. I have great faith in the lumbering industries of Canada. I am quite aware that a great deal of the lumbering in the past has of necessity been carried on with a good deal of recklessness. There has been a large amount of waste; but because that has taken place in the past, there is no reason why we should sit down and say: "The forest is being cut down. It is being burned over and very soon there will be no more lumbering." I say, if the lumbermen put forward that plea, we should without doubt take some stringent measures in order to try and obviate such a condition of affairs. In European countries, they require that a tree shall be planted for every tree that is cut down; if a tree is cut down another tree shall be put in its place for the use of future generations, and it may not only be necessary for us to impose such restrictions upon the lumbermen of Canada not only in regard to the question of saw-dust that is now before us, but we may be obliged to impose such restrictions as will revive the forests that are now being destroyed by fires and by the recklessness of the lumbermen's axe, in order to preserve the magnificent

wealth that has so long helped to sustain the country and that will help to sustain it in the future to a very great extent if ordinary precautions are taken. There is another view that must not be lost sight of and that is the destruction of our forests in its effect upon the rain fall, the watershed of our great lakes is apparently failing to maintain the depth of water in them, it is worth while to inquire how far that is due to the absence of moisture through the denudation of our forests. Now, hon. gentlemen, what are we asking the lumbermen to do in criticising this bill? We are merely asking them to change the condition of their mills so that, instead of letting the saw-dust carelessly and recklessly slide through on top of the wheels, they may change their carriers and carry that saw-dust to where it will be destroyed, or utilized so that it will not be inflicting upon navigation or upon the fishing interest, or upon the safety of the Ottawa River itself. Now, according to the report of the committee, the lumbering on the Ottawa is conducted by Messrs. Bronson & Weston, Mr. Booth, Mr. Eddy, Perley & Pattie, Mr. Hurdman and Mr. Grier—six lumbermen. Between them, according to their report, they manufacture 365,000,000 feet of lumber. At $10 a thousand that represents a value of $3,650,000. That is the receipts of the lumbermen from the manufacture of lumber in the city of Ottawa. Every hon. gentlemen who knows anything about lumbering is aware of the fact that at the very least there is a difference of 25 cents between the cost of manufacturing lumber in a water mill and the cost of manufacturing it in a steam mill, and on the 365,000,000 feet of lumber that is manufactured here according to this report, there is a saving of at least $100,000 a year in consequence of its being manufactured by the water power of the Chaudière, and that saving is enormous as compared with the cost that the lumbermen would incur in order to change the condition of their mills to keep the saw-dust out of the river. Now, hon. gentlemen, the question is merely one of cost, merely one of money. The $3,650,000 I put at a low estimate as the receipts of those six firms, and it is a question how far we are justified in calling upon them to apportion a part of their expenditure in order to get rid of this nuisance, or whether we shall allow them to go on and perpetuate the nuisance in the river irrespective of what their receipts are.

Hon. Sir MACKENZIE BOWELL—You do not mean their net receipts?

Hon. Mr. BOULTON—No, gross receipts.

Hon. Sir MACKENZIE BOWELL—Tell us what it costs to get out the lumber.

Hon. Mr. BOULTON—The profit of the lumberman has not been in the manufacture; it has gone to the limits. The wealth of the lumbermen is entirely in the limits. I might compare it to the issue of bonds by railway companies, or corporations that receive their corporate powers from Parliament. They add to their wealth by the increase of bonds and stocks which enable them to draw dividends. In the same way the wealth of the lumberman has been in the increase in the value of the limits. The interest, of course, on the value of the limit has to be added to the cost of manufacturing the lumber, but those are the receipts, at $10 a thousand on 365,000,000 feet. Now, could not a small portion of that $3,650,000 be devoted to removing this grievance which hon. gentlemen know has been a grievance year after year coming before Parliament? The question we have to decide is how far we are justified in imposing that restriction. I say, hon. gentlemen, that the bill that is now before us should be modified so that the lumbermen will understand that they have, within a definite period, to make such alterations, and to make such arrangements. I am not speaking of it from any feeling against the lumbermen; but there is the dignity of Parliament to be maintained. Last year we found it necessary to put this law upon the statute-book, and the lumbermen were brought face to face with the fact that they must comply with that condition. Instead of doing so they exert their influence and bring such pressure to bear on the government and the leader of the Opposition in this House that they now propose to relieve them. I say the dignity of Parliament has been interfered with.

Hon. Mr. PRIMROSE—Where is the information?

Hon. Mr. BOULTON—Information is published in this book—it is all published here.

Hon. Mr. PRIMROSE—But the more recent information?

Hon. Mr. BOULTON—I heard the evidence that the hon. gentleman read, and I do not see that there is anything in it which would justify us in saying, "We will relinquish the Ottawa River to the will and wish of the lumbermen of the Chaudière." We must not resign our position as guardians of the public interest, and we have to consider how far the public interest should be guarded? According to this bill that is now before the House, we are called upon to rescind the legislation of last year and to put in a clause giving the lumbermen two years more. When two years more come round, the same fight will have to be gone over again, and the same reasons will be advanced, the same influence exerted and the public interest will be entirely ignored. The hon. gentleman from Sarnia said, "Where are the petitions? Where are the people asking for this protection?" I acknowledge that where interests are so vast as those of the lumber trade of the Chaudière, where so many men are employed by lumbering firms that it would be a very difficult matter indeed either by the board of trade, with the merchants, with the employees, or anybody else, to get up a petition and present it to Parliament that would necessitate an expenditure of this kind. But we should not be guided by that; we should be guided by our own common sense. Is there an injury being done? Have we evidence before us that that injury is being done? That evidence is put before us in the shape of the report of a committee of the Senate, and I say we should pay attention to what has been presented to us in that report, and modify this bill so far that it will leave no doubt upon the minds of the lumbermen that this state of affairs has to come to a termination at some time or other. As I have already stated they have great advantages. The advantage they possess in manufacturing their lumber by water power instead of steam, is at the very least 25 cents a thousand, if not 50 cents a thousand, and what they have been paying to the government for the use of the water power is merely nominal—$80 a year for a privilege that $75,000 was paid for by the Electric Light Company.

Hon. Mr. KAULBACH—To whom?

Hon. Mr. BOULTON—To one of the lumbermen. I am told that it was $75,000 that was paid by the Electric Light Co. for the same privilege that the government has accorded the lumbering firms for $80 per annum. There are 21 water lots, the rental of each being $80 per annum. They have the benefit of manufacturing their lumber at the very lowest possible cost by water power, and I do not think they should come before Parliament and ask to be released from obligations which are really obligations in the public interest. In the River Otonabee where there are large lumbering operations the law is enforced, and at an expense of about $6,000 for each mill, arrangements for the disposal of the saw-dust were made to the great satisfaction of the city of Peterboro' and now to the lumbermen themselves. After the repeated efforts made in this honourable House, since I have been here, to overcome and obviate this difficulty, I think this bill should convey an intimation to the lumbermen of Ottawa that a period must be fixed at which they shall change the condition under which they manufacture their lumber in order to get rid of the grievance which has been brought before this House on so many occasions, and devise some means to utilize the saw-dust for merchantable purposes. I believe a good railway tie prepared in coal tar might be made by hydraulic pressure, possessing great lasting properties, out of this saw-dust.

Hon. Mr. MACINNES (Burlington)—I do not rise to make a speech at this late hour of the evening, because the question has been so well threshed out already. I myself do not believe that saw-dust is good food for fish, nor do I believe that it is good manure for land, nor do I believe that the navigation of the Ottawa is improved by the saw-dust. Certainly its esthetic appearance, as my hon. friend from York said, is not improved by the saw-dust, but there are countervailing advantages. It appears to me the advantages derived from these sawmills are very much greater than any of the drawbacks which have been stated here. This bill calls for a discontinuance of the nuisance, or grievance, in two years from the present time. In the meantime, do not think the public interest will suffer in the least if we wait for another couple of years before putting the mill owners to the expense of making changes which will involve the reconstruction of their mills and that cannot well be done short of two years. I do not

think it is wise to pass legislation which may be found impracticable, or which may be injurious to private interests. It is perfectly clear that the public interests are not going to suffer by this Bill and I shall vote for it.

Hon. Mr. SULLIVAN—I agree with the statement that nothing of greater importance than the preservation of our rivers and streams could engage the attention of this House. To maintain them as the great arteries of commerce is worthy even of more consideration than we have given this matter. The question is one largely of a scientific nature. The action of rivers on the country is of two kinds, chemical and mechanical. With the chemical action of rivers in dissolving certain substances in their course to the ocean or the lakes into which they empty, we are not so much concerned; but we are largely interested in their mechanical action. One of these is the transportation of the matters more or less solid which are conveyed by them to different parts. The influence which they exert on the climate of the country in this way is very great, as you will see if you give attention to any of the large rivers of India, or South America, or this country. The velocity or volume of water which passes through the river has a great deal to do with it, so much so that one is not astonished to find the enormous amount of solid material which can be borne along by a current of a certain velocity. I find from observations made in India, and in America that a current flowing at the rate of half a mile an hour will carry a great deal of sand—that it will convey sand as large as linseed, and that a current with a velocity of two miles an hour will carry large pebbles. Now, if you will apply this argument to the velocity of the Ottawa River you can easily understand how light matter, such as saw-dust, can be readily borne beyond even the termination of the river. So much is this the case, that you will remember in the account of the voyage of the "Challenger," when 200 or 300 miles from land they brought up debris and land detritus from a depth of fifteen hundred fathoms. That gives one an idea of the great distance to which this stuff is borne, as well as the enormous quantity of it. Taking the saw-dust, I am not surprised to find that the scientific observations made by probably the greatest engineer in the country, Sandford Fleming, have borne out this theory. He found that on the bed rock there was no sign of deposit or sawdust, and that is of course the place where, beyond all others, we should find this deposit, if it was any obstruct on. The ice also has a great deal to do with removing this rubbish. The ice formed in the winter, carries it along in the break up in the spring a great distance from the point where it was first deposited. But that, hon. gentlemen, would be of insignificant consequence if these deposits were noxious and capable of polluting the stream and destroying not only fish life, but scattering disease broadcast through this land. Now such is not the case. No one pretends that the decrease of fish is due to saw-dust. Any man may challenge that statement, because proof cannot be furnished. It is true the sawdust may interfere, not with the fish themselves, but with the other fish which they live on. It may have some injurious effect on them, but it cannot be said that the fish have been destroyed by saw-dust. The hon. Premier stated some time before the session opened that he remembered the time, and I did too, when large numbers of fish were taken from the Bay of Quinté and the shore of Lake Ontario, immense numbers of whitefish and other valuable fish, where there are none now. So that I do not think this decrease can be ascribed to the effect of the saw-dust. Another argument that has been used is that explosions occur. What struck me as singular about the explosions is that they occur in winter. If these were due to mephitic or injurious gases generated in the beds of saw-dust, as they are supposed to be —although it is only a statement without any proof—why would they not occur in the heated time?

Hon. Mr. POWER—So they do.

Hon. Mr. CLEMOW—Yes, certainly.

Hon. Mr. SULLIVAN—I have been told they occur only in winter. I challenge any one to show that there was any such explosion in summer.

Hon. Mr. OGILVIE—It is easily proved.

Hon. Mr. SULLIVAN—At all events, it has nothing to do with gas that would be in any way injurious to the public health. If there were, it would be due to decomposition, and I do not see how it is

possible that saw-dust could decompose in such quantity as to cause an explosion. The only rational way to explain that is that the particles of air are entangled in the saw-dust and borne along with them, and being set free with the action of the water may rise at certain intervals. We find these explosions occurring in lakes where the purest water exists, from air being confined underneath and suddenly rending a vast mass of ice into pieces. I think that the grounds which have been taken in opposing this measure are not calculated to weigh. It is not shown that the saw-dust will for a moment obstruct the navigation of the stream, or that it is likely to do so, nor do I think that it pollutes the water. And as to the matter of fish, the suckers, or pike, or cat-fish, or whatever fish could be caught, are but a small measure to put in opposition to the immense disadvantage to which these gentlemen would be exposed by compelling them to destroy their saw-dust. I trust that the time will come when this waste saw-dust will be utilized, as it is by the Messrs. Rathbun, of Desoronto, and we can afford to wait till that time comes, when it can be applied to a more useful purpose. No lumberman has approached me. I have not the honour to be acquainted with any of those gentlemen, but I do not see why they should not approach us to set forth their claim. I have been told that one mill cost $75,000 and another $100,000. It was the book-keeper who gave me the information, and he told me as a positive fact that it would be impossible for them to make any arrangement without destroying their mills altogether and making new ones, thus throwing aside a vast amount of property. And as to the esthetic point, we have not heard any complaints from the people of Ottawa. If they found that injury was done to this noble river, a river which is second only in majesty to the great St. Lawrence and to which I am sure they all have an attachment as the Romans had to the yellow Tiber, do you think they would hesitate to implore the river god to put an end to the nuisance at once? But we do not find any of them making any advance to the Senate. They are not agitated about it, and the only wonder to me is that they would allow men, who have made large fortunes and by their enterprise and ability are lifting Ottawa to a high position, to be thwarted in their enterprise which is scattering money broadcast for the general benefit of the community.

Hon. Mr. WARK—We are much indebted to the hon. gentleman who has just spoken, who gave us some information which no other Senator was possessed of—that is as to the effect of the currents. The currents will bear out the sawdust, but whenever it meets an eddy the sawdust will turn into the eddy and sink there, no doubt. At the same time that does not affect the navigation; it would rather improve it. In some rivers we build wing-dams to confine the current to a narrow space, so as to improve the channel and the navigation, and if the sawdust settles in those eddies around the edges of the river, and narrows the current, it must benefit the navigation instead of injuring it. Now as to fish, there has been no proof in the evidence adduced here to show that fish have ever been killed by sawdust. We know that in some rivers in England the deleterious substances that were allowed to drift into the rivers have killed the fish when they came in contact with them. They were found floating dead in the current. Where has a fish ever been seen in the Ottawa River in that state? Let any man get up a stir here in Ottawa about the sewage that is discharged from the sewers into the river; compare the quantity now discharged with the quantity from Bytown, when there were more fish in the river than there are now. Let him bring witnesses before the committee to show how much stuff of all kinds drifts into the sewers here, bring others to show the quantity that is discharged, bring scientific men to ask them if this will kill fish, and you will get up a stronger case against the sewers discharging into the river than has been got up by those who are opposing the millowners and their industries. I know that if sawdust settles where the fish are in the habit of going to spawn, they will not deposit their spawn there, because they look for a sandy or gravelly beach, and if saw-dust drifts on that beach and covers up the gravel, very soon they will not go to it. I know where the herring are in large numbers and are caught by the people coming in on the bank, if a breeze of wind sets in on the shore they head round and go off to the coast of Prince Edward Island. There is nothing wrong with that, but the wind setting in drives

them out of the place where they were preparing to spawn. I am satisfied that the government have done right in deferring the subject, and they should be in possession of positive proof that injury is done before they interfere with such a beneficial industry as these mills are carrying on. We hear of their interests as one thing and the public interests as another thing. Let any one go to the public in Ottawa here and ask them how much injury is done them by the sawdust in the river, how much they are benefited by the expenditure of these public spirited men, and I think you will find that the feeling of a majority of the public will be largely in favour of letting these men prosecute their industries until there is some satisfactory proof that they are doing an injury.

Hon. Mr. SANFORD—I should like to say a word on one or two questions which I think have not been appreciated by members of this House. A careful estimate has been made by the millowners who claim it will cost them a million and a quarter dollars to change their mills to consume the sawdust. It is all very well to discuss this question on the basis that we can arrange this and can arrange that, but you must realize how severely you are touching the pockets of those men who are at present controlling the largest interests probably in Canada. In addition to this first expenditure, there will be an approximate expenditure of $100,000 annually. Now there is that additional tax on them, and that will cause a reduction of the wages of the men. The hon. gentleman from Shell River has spoken once or twice rather indifferently with reference to those few lumbermen. Does the hon. gentleman remember that there are upwards of eighteen thousand men employed in that industry upon the Ottawa, and that eighteen thousand at an estimate of five to the family, or if we take Sir James Grant's estimate of the powers of sawdust we may make it ten, represents 90,000 mouths that are fed by the industry.

Hon. Mr. ALMON—What amount of wages will be lost to the men during the time the mills are idle?

Hon. Mr. SANFORD—I could not answer the question.

Hon. Mr. ALMON—You can guess at it?

Hon. Mr. SANFORD—No, I could not make a guess.

Hon. Mr. ALMON—You have made some outrageous guesses already, and you could make another.

Hon. Mr. SANFORD—I give figures that are handed me by parties that are better acquainted with these matters than my hon. friend, the junior member for Halifax. The probabilities are he is very much more familiar with other things than with the lumber interest. I mention these facts because I presume they are facts which come from a reliable source, and we must not forget that some of these properties have been in the hands of the present owners, or have been in existence, for 50 or 60 years, and naturally they feel that they have vested rights and that they should be considered before calling upon them to meet an expenditure of a million and a quarter. There is one point more I want to call your attention to, and that is this, they contribute towards the income of Ontario and Quebec $650,000 annually in stumpage.

Hon. Mr. PERLEY—I am perhaps less interested in the bill than any hon. gentleman in the House. There are no saw-mills in our country, and our rivers are not polluted, but I always like to give a fair and intelligent vote on any matter which comes up in this House, and I have listened to the argument advanced by the several gentlemen in support of the bill and they go further than the bill does to my mind. All the arguments so far have been that the sawdust did no damage and that the river was not made shallower by the deposits of mill refuse, and that the saw-dust does not affect the fish. This bill is only asking an extension of two years, and then the saw-dust is to cease. If the argument of the hon. gentlemen who have spoken in favour of the the bill is of any value at all, I think the time for limitation should be extended or wiped out altogether, and sawdust should be allowed for ever to be deposited in the river or the practice should be stopped. That would be the common sense of it in my mind. And there is another matter; I am not excessively modest, but I declare I would have a little modesty about supporting a bill that would permit the deposit of saw-dust in the Ottawa and other

large rivers, when the practice is prohibited on small streams. If it injures the small streams, how much more will it injure the Ottawa, where there are millions of feet of lumber manufactured? I am not interested in the question. I do not care a halfpenny which side prevails, but there is a principle of common sense involved. I do not wish to reflect on the intelligence of hon. gentlemen, but if the saw-dust does not hurt the river why have it limited to two years? Why not have it continue for ever? We have those large lumber mills and lumber yards. There is no doubt they are a credit to the country and to the men who own them, but they are not philanthropists, they are not doing it for my benefit or yours, and they are amassing millions out of the industry. However, I will say this: Just change the bill and let all lumbermen come on the same footing and I am for it.

Hon. Mr. BOWELL—It applies to them all.

Hon. Mr. ANGERS—Yes, it embraces them all.

Hon. Mr. PERLEY—But as long as you keep it confined to a few rich men I could not conscientiously vote for it and I will not.

Hon. Mr. ANGERS—That is what the bill is; it applies to all rivers and streams.

Hon. Mr O'DONOHOE—The hon. gentleman from Hamilton has adverted to this matter as one of vested interest. It seems to me that when a government is dealing with a matter of this sort the question of vested interests is paramount to everything else. The government stood by for half a century and more; they saw those people invest their moneys, invest their fortunes in developing that interest. Can the Government of to-day say to those people "We shall cut off the privileges which once were yours"? The question of a vested interest is one peculiarity for the government; it stands by, it sees men invest their fortunes; they know that that was one of the privileges that induced those people to settle as they did on the borders of the Ottawa. Can they to-day go and say to them: "We will divest you of that interest; we will injure the property that we enabled you to build; we will cause you either to pull down your mills, remove them, or spend so much money upon them as will render it unprofitable to maintain them"? It cannot be done; no government could stand by such an act, and when the government comes forward with this measure they are doing all that can be asked of them in reason. Now as to all the evidence of injury to the Ottawa, I have listened to it in all its details and I say, knowing Mr. Sandford Fleming as I do, knowing his disinterestedness and his high reputation, I take his evidence as against ten times as much as that produced before the committee. What can a committee say about the effect of the saw-dust on the river? Mr. Sandford Fleming pledges his professional standing that he has sounded the river from the Chaudière to Grenville, every mile.

Hon. Mr. POWER—He does not say anything of the sort; it was his son who took the soundings.

Hon. Mr. O'DONOHOE—He says he did it himself, and that the son did a share of it under his immediate direction, and if he does it by his son, or by another engineer under his direction, that is a sounding by himself just as though he had held the plummet in his hand. We know that. Mile after mile he did his sounding, and he states what he found in the bed of the river. He gives what he found in the whole longitudinal line in which navigation is conducted, and he says in the whole of that there is no obstruction by saw-dust. He brings from the bottom the material he finds there without sawdust, without any debris, nothing but the native earth or clay. He shows the vast depth there is in the great Ottawa, but really when it comes to one point which, he states, is at low water reduced to 7 feet, that is the capacity, for navigation purposes, of the Ottawa. Does any man say that over that 7 feet there is any saw-dust or lumber debris lessening its depth? No man has produced evidence of that kind, and if he does not, the 7 feet is, for navigation purposes, the depth of the Ottawa. Just as the weakest link is the strength of the chain, so is the least depth the sailing capacity of the river. When I speak of the character of Mr. Fleming I had an opportunity of working with him for years. I was chairman of the Wharf and Harbour Committee in Toronto for the corporation, and Mr. Fleming was city

engineer at the time, and I am prepared since then, watching his whole career, to say that I do not know a man in any country more thorough and independent or careful of his professional standing. I need not say that, because the country at large is aware of it. He has maintained for himself a reputation which is as dear to him as his own life, and about which there can be no doubt, and when he tells us that mile after mile he sounded that stream, and that no obstruction to navigation has been caused or is caused by the mill refuse, and that if it came as it has been coming into the river for 2,000 years to come there would be no interruption to navigation, and when you put that evidence alongside of the evidence before our committee of men who never dropped a plummet into a stream, who know nothing about it except what somebody told them, and who see the sawdust floating on the surface of the water, believing it must sink sometime and therefore be an obstruction, the evidence of these men is worth nothing compared to the opinion of a professional man like Sandford Fleming. I would therefore say that the government are right in this matter. I have had no member of the government speak to me about it, nor am I too much inclined to give the government its way, except where I see they intend to do what is right. Since the day I entered this House I can put my hand on my breast and say that I never gave a vote in any matter except on the merits of it; whether it came from the government or the opposition makes no difference to me. There is no evidence in opposition to the evidence of Mr. Fleming, and his evidence is clear that there is no obstruction by sawdust in the stream excepting at the mouth of the canal which has been cured more than once by dredging, and can be cured again at the cost of the parties who cause it, and that seems to be quite fair. We should not go madly to work to break up a moneyed interest such as the lumbering business on the Ottawa is. Because capital is fretful and must be guarded, and it is for us, at all events, to see that we would lay not a hand upon it that would hurt it unless upon the clearest evidence that it is doing some injury to the river and to the public interest. On account of its being a vested interest, on the ground of the evidence being clear that tht e is no obstruction from sawdust, and on the ground that there is only a small matter to be taken out by excavation at the mouth of the canal from time to time, and desiring not to interfere with an interest so large as the lumbering interest, I am quite prepared to go all the length the government want to go, to keep things in the state they are until there is lots of time given to come to a more deliberate and exhaustive opinion upon the whole condition of things than we now have.

The motion was agreed to.

## SECOND READING.

Bill (97) "An Act respecting the Clifton Suspension Bridge Company."—(Mr. Lougheed.)

## DOMINION LANDS ACT AMENDMENT BILL.

### THIRD READING.

Hon. Sir MACKENZIE BOWELL moved concurrence in the amendments made in Committee of the Whole to Bill (116) "An Act further to amend the Dominion Lands Act."

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL moved the third reading of the bill.

The motion was agreed to, and the bill was read the third time and passed.

## HARBOUR COMMISSIONERS OF THREE RIVERS BILL.

### SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (113) "An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers." He said: This is a bill of only four lines, and reads as follows:—

Section 6 of chapter 10 of the Statutes of 1892, entitled: "An Act respecting the Harbour Commissioners of Three Rivers," is hereby repealed, and the following substituted therefor.

The substitution is as follows:—

No loan shall be effected and no debentures shall create any lien or charge on the said harbour until the said commissioners have paid to the Government of Canada the sum of $15,000.

The bill is short, but it gives to the commissioners of the harbour of Three Rivers an advantage which they do not possess at

present, and consequently is of some importance. The explanation is brief. The change to be made is in section 6 of the Act of 1892. By this Act the harbour commissioners of Three Rivers were authorized to borrow money to the extent of $218,000 for the purpose of purchasing wharf or beach property, or for constructing wharf or other accommodations for vessels in the harbour, and debentures representing the money so borrowed were to take precedence of a sum of $82,000 of debentures then and now held by the Government of Canada; but by section 6 no loan was to be effected and no debentures to create a lien upon the harbour until the commissioners had paid to the Government of Canada the amount of interest then due and unpaid on the $82,000 above referred to. By the Act of 1885, chapter 76, authorizing the loan to the commissioners by the Government of Canada of $82,000, the bonds to be deposited by the commissioners to secure the loan were to bear interest at the rate of 4 per cent per annum payable half yearly, such interest to be a first lien on the income of the harbour, and the commissioners were also to pay each half year to the Minister of Finance one-half of 1 per cent as a sinking fund towards the redemption of the debentures. The amount due the Government of Canada on the 30th June, 1892, was

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|---|---|
| Interest..... | $17,905 15 |
| Sinking fund..... | 5,481 52 |

making a total indebtedness in 1892 to the government, of interest and sinking fund, of $23,386.67, and the amount which will be due on the 30th June, 1895, will be interest $30,479.24, and sinking fund $8,751.82, making a total indebtedness to the government at the present moment of $39,231.06. This bill provides that the loan is not to be effected and the debentures are not to create any charge or lien on the harbour until the commissioners have paid to the Government of Canada the sum of $15,000. It simply means in plain English that the dues collected on that harbour very little more than pay the current expenses and the improvements and the repairs, or the wear and tear. They come to the government and say in effect: Unless you enable us to issue these bonds which you have in your possession, and which we were precluded and have been precluded from issuing until we paid the government a certain sum of money, the improvements cannot go on, and we shall, in other words, become bankrupt. Under the circumstances, it was deemed advisable to allow them to sell their debentures if they will pay over $15,000 of their indebtedness before doing so.

Hon. Mr. MACDONALD (B.C.)—And the other part is cancelled?

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. POWER—The same thing.

Hon. Mr. ANGERS—Not cancelled.

Hon. Mr. MACDONALD (B.C.)—Is there any shipping in that port?

Hon. Mr. ANGERS—Yes.

Hon. Sir MACKENZIE BOWELL—I may state further that by Order in Council dated 19th November, 1892, the Harbour Commissioners were authorized to raise, by issue of debentures, $40,500, the arrangement being that the debentures so issued were to be deposited with the Minister of Finance, who on receipt of the purchase money agreed upon by the commissioners and the purchaser will deliver the debentures sold and pay over to the commissioners the amount, after deducting the amount due to the government as interest at that time. The debentures so issued were accordingly deposited with the Minister of Finance and are still held in the department. I can give the House, if it desires it, a statement of the receipts and expenditures. It is simply a question as to whether the government will get that $15,000 or, I might say, nothing at all, and I think it is much better we should have the $15,000.

The motion was agreed to.

## INSPECTION ACT AMENDMENT BILL.

### SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (122) "An Act to amend the General Inspection Act." He said: At present the Inspection Act provides for the appointment of inspectors and for levying of certain fee—one-sixth of a cent for each one hundred pounds of wheat—payable to the inspector. The income of the inspector at certain ports

has become so large at, for instance, Fort William and one or two other places, that it has been deemed advisable to change the law fixing salaries instead of of allowing them to take the full amount of fees now imposed. The Senate will see the necessity for that when I inform them that last year the receipts at Fort William exceeded $10,000 upon the inspection of wheat and other grains that came to that port and were shipped east. About $3,000 of that the inspector had to pay for assistance, leaving him an actual salary of six or seven thousand dollars per annum.

Hon. Mr. OGILVIE—It is not too much, for it is very hard work.

Hon. Sir MACKENZIE BOWELL—It is a great deal better than many officers receive in many other parts of the country. However, the government think that that is an unnecessarily large sum for the time that is occupied during the year for the inspection of grain. They propose by this bill to enable them to fix his salary, and when the income exceeds that amount, it passes to the credit of the Receiver General. The only change made by the bill before me in the Act on the statute book is the addition of the following words in section *a* of subsection 3, "reducing and" so that it will read "reducing and amending the fees." That is, it will enable them to reduce the rate of one-sixth of a cent. Then, in subsection *b* these words are added, "and the consolidated revenue fund." It enables the government to fix the salaries, and when they exceed the sums fixed, the money then passes to the credit of the Receiver General.

Hon. Mr. LOUGHEED—I do not think this bill meets the purpose stated by the Premier. It still contemplates that they shall be paid by fees, and deals with the apportionment of the fees. If the government desire that the inspector should be placed on a salary it should be expressly stated.

Hon. Sir MACKENZIE BOWELL—That is not necessary. They can fix the amount of fees he is to receive, and no more. If you compare this bill with the Act which it amends, you will find that it carries out fully the intention. It is drawn by a lawyer and he ought to know.

Hon. Mr. LOUGHEED—That is one reason why it should be carefully looked to.

Hon. Mr. OGILVIE—You do not fix the salary of the official now?

Hon. Sir MACKENZE BOWELL—No.

Hon. Mr. OGILVIE—I do not think it right to have a man paid by fees if he collects enough, and if he collects more than that he gets just a salary. If you are going to put him on a salary you should do that and pay him and let the government take the fees. Now, if he does not collect enough fees to make up that salary he has got to live on the fees, and if he gets more than that the government takes it.

Hon. Sir MACKENZIE BOWELL—That is it.

Hon. Mr. OGILVIE—That is very much like "heads I win, tails you lose."

Hon Mr. POWER—He will get more until the Hudson Bay Railway is built and then he will get less.

Hon. Mr. OGILVIE—The government should put him on a salary.

Hon. Mr. SCOTT—The fairest way is, as stated in the bill, to pay him according to the work he does. If the work is largely in excess of the amount calculated, it brings the salary up to too large a sum. Just as in Ontario, to-day, it was found in many places such as Toronto that the fees of the registrar's office ran up to $10,000 or $15,000. The government very properly interfered and said after the fees exceed $8,000 or $10,000 the balance goes into the county funds. There are only two or three points in Canada where the inspection fees are in excess—Fort William is one—of $5,000 and above that sum it should go into the consolidated revenue fund.

Hon. Mr. OGILVIE—That does not meet my objection.

Hon. Mr. SCOTT—Where the work is one-fourth as much, the salary ought not to be more than $1,000.

Hon. Mr. OGILVIE—How then is a man to live in that way? He has got to stay there the whole year if he only earned $100.

Hon. Mr. SCOTT—The sliding scale is adopted everywhere.

Hon. Mr. OGILVIE—If a man has to be there all the season, and the grain is coming in during the winter in cars as well as in summer, and if he earns $8,000 or $10,000 a year, you say it is too much. I say the fair way would be to name a salary, whatever it may be. You will never get a good man to stay there under the system that you propose, and unless you have a first-class man to inspect the wheat there, the loss through damage to the reputation of our wheat, will be ten times greater than the amount of the salary. Our wheat has been well inspected up to this time. Better pay a good salary than get a poor man at a lower figure.

Hon. Sir MACKENZIE BOWELL—It is irregular discussing the details of a bill on the second reading, but I may be allowed to explain that there is scarcely a month that wharfingers and harbour masters are not appointedon precisely the same principle. Sometimes it is provided that they shall receive 25 per cent, sometimes more, sometimes less, of the fees received. In other cases, they shall receive a certain percentage, until it reaches a certain sum, and then it stops. The present Act reads: "That the Governor in Council may make regulations, whenever he deems it necessary, for the apportionment of the fees paid under this Act to the inspectors and deputy inspectors, and for providing for the payment of fees to the examiners appointed under the Act by persons who present themselves for examination." The proposition is to give power to the government to reduce the fees for inspection, when they think necessary, and secondly, in the apportionment of the fees, when they exceed what the government thinks an unnecessarily large salary, to the person who performs the duty, to pay the balance into the consolidated revenue fund—in other words, that the revenue of the country shall benefit by the extension of the trade as well as the individual. I fully bear testimony to the remarks made by the hon. gentleman with reference to the inspector at Fort William. Perhaps he is not excelled in Canada as a judge of wheat of all kinds, and I am quite sure if he gets a salary of $4,000 or $5,000 a year, he will be very glad to remain at Fort William.

The motion was agreed to and the bill was read the second time.

## PUBLIC WORKS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (123) "An Act to amend the Public Works Act." He said:—This bill gives power to the public Works Department, under the authority of the Governor in Council, to dispose of property which they may have purchased for any purpose, and which is not required or perhaps not fitted to the purposes for which it was originally intended. As an illustration; some property was purchased in a town on which to construct a public building—a post office and custom-house. It was found afterwards that another location would be much better and more in the interest of those who were to be benefited by it, but on referring the question to the Minister of Justice, it was found that there was no power given to the government to dispose of the property and it was thought better, under the circumstances, that a short bill should be passed giving the power.

The motion was agreed to and the bill was read the second time.

## BILL INTRODUCED.

Bill (124) "An Act further to amend the Act to readjust the representation of the House of Commons. (Mr. Angers.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 3rd July, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## RAILWAY COMMUNICATION IN PRINCE EDWARD ISLAND.

MOTION.

Hon. Mr. PROWSE moved

That an humble Address be presented to His Excellency the Governor General praying that

His Excellency will cause to be laid before the Senate, copies of all petitions praying for railway extension in Prince Edward Island. Also, the chief engineer's report thereon, showing the estimated cost, working expenses and probable earnings of said proposed branch railway; and also, the estimated increased earnings on the Prince Edward Island Railway which will be effected by the operation of the said proposed branches.

He said: I crave the indulgence of the House for a short time while I refer to some matters which affect the small province of Prince Edward Island. I shall endeavour to make my remarks as short as possible, knowing that the weather is very warm and that the Senate has been treated to a good many pretty long speeches during the present session. It must be remembered that when Prince Edward Island entered into confederation with the rest of Canada in 1873, she entered upon certain terms and conditions. With the financial terms and conditions we have no fault whatever to find. We were admitted with an assumed debt of $50 per head, an actual business transaction which was fair to Prince Edward Island as well as to the rest of Canada. In addition to that, we had a provision made to relieve us of the inconvenience and compensation for our isolation and separation from the rest of Canada during half or nearly half the year. The special clause in the Act of union which refers to this matter I shall read to the House:

The Dominion Government agreed to establish and maintain efficient steam service for the conveyance of mails and passengers between Prince Edward Island and the Dominion winter and summer, thus placing the island in continuous communication with the Intercolonial Railway and the railway system of the Dominion.

That condition has never yet been fulfilled to Prince Edward Island and it is upon that resolution that the island has agitated time and again for the last twenty years for some better provision to give us communication with the rest of Canada. We know that the National Policy was introduced as an inducement for the provinces to deal with each other, and that we should concentrate our trade more within ourselves, consequently we were excluded, to some extent at least, from the markets of the world. By the isolation to which we were subject, owing to the severe winter, we were debarred from dealing with Canada for five or six months a year. To make up for the inconvenience due to our isolation this resolution was embodied in our terms of union. From that time to the present we have, in a moderate and modest way, asked the Dominion Government and Parliament to take this matter into consideration and carry out in good faith the terms of union; they have done so only to a very limited extent, so much so that here a few years ago the question was submitted to one of the most eminent engineers of the world, Sir Douglas Fox, of London, and we were furnished with the report of that gentleman estimating what the cost would be and the possibility of establishing communication by way of a tunnel between the island and the mainland. I may just here refer to Sir Douglas Fox's report to show the reasonable proposition which he suggested, and I believe that the cost of the tunnel is not by any means beyond the resources of Canada. I believe once that communication was established it would be very nearly, if not quite, a paying institution. The great amount of traffic that would be conveyed across the strait through the tunnel would largely meet the interest of the cost to the government. Unfortunately for Prince Edward Island, we have allowed party politics largely to interfere with the prosperity of our country. Had we taken the course that was followed by our friends in British Columbia to enforce the terms of union—had we burried all political considerations and united as one man for the enforcement of the terms of union, I believe we would have had some satisfactory arrangement before now to give us communication with the mainland. We know that the great undertaking, the Canadian Pacific Railway, was part of the terms of union with British Columbia, and when the time came when that undertaking should be going on, the people of that province united as one man, and insisted on representing their case before the British Government, with the result that the building of that magnificient railway from ocean to ocean was undertaken and successfully completed. Unfortunately for Prince Edward Island, politics run at a high rate down there, and if one party advocates some improvement for the benefit of the province there is always a party ready to decry it and ready to represent it as being for the purpose of party advantage and oppose it in every way they possibly can; consequently we have not had, up to the present time, that influence at Ottawa and in the country that we ought to have had on this question. I may say that

Sir Douglas Fox, if he does not stand at the head of the profession throughout the world, is regarded as one of those who stand at the head, especially in matters relating to sub-aqueous work. He says :—

If it were a question of passage of traffic only, this might probably be quite satisfactorily met by the construction of a tunnel having an internal diameter of 11 ft., (slightly larger in diameter than the electric subway in London which is carrying a heavy passenger traffic) and operated with special rolling stock, which could, however, be so designed as to run over the existing railways of 3 ft. 6 in. gauge in the island, so that passengers would only have one change of carriage at the New Brunswick end of the tunnel, a matter of no great importance. Such a tunnel would also accommodate freight cars of a special design suitable for all classes of ordinary traffic.

A cross section of such a tunnel showing rolling stock is given in appendix G.

I am informed that the transhipment of potatoes eggs, and fresh fish is objectionable, especially in winter. Exposure to frost could, however, be avoided by running the main line and tunnel cars along side one another in a freight shed at Money Point, properly warmed for the purpose. By suitable arrangements, of which I have had experience elsewhere, the delay and inconvenience of transshipment can be reduced to a minimum. Against this slight inconvenience must be set the large expenditure not only upon the full sized tunnel, but also upon rolling stock of the 4 ft. 8½ in. gauge, if the island traffic is to run through to its destination, without change of car, and such through working would also in all probability involve much empty running in the absence of return freight.

Such a tunnel constructed, as shown in appendix G, in the dry portions of the work of brickwork in cement averaging one-sixth inch thickness (the bricks being of local manufacture) and where feeders occur with cast-iron casing 1¼ in. in thickness with 6-inch flanges laid with permanent way, having steel rails weighing 50 lbs. to the lineal yard, I estimate to cost, subject as hereinbefore mentioned, £66, 10s. nearly per lineal yard, or say £897,500 from shaft to shaft or with the land tunnel and contingencies a total sum of £1,075,200—(at $5 to the £) $5,376,000. Should it be decided that the tunnel must be of sufficient dimensions for an ordinary railway of the 4 ft. 8½ in. gauge, and that the railways of the island shall be altered to that gauge a tunnel of 16 ft. in diameter would appear to just accommodate passenger and freight cars of the normal Canadian and American type, but not drawing room and sleeping cars, nor some of the cars reported to me as running upon the Intercolonial Railway. This size does not allow of a very satisfactory or permanent way, nor does it provide proper space for the platelayers.

In reference to this matter you are aware that the gauge of the railway at present in existence in Prince Edward Island is 3 feet 6 inches, and not 4 feet 8½ inches, like other Canadian railways, and if you have a tunnel large enough to take the cars across, as you have on this side of the water, you would have to change the whole gauge of the Prince Edward Island Railway. We think the 3 feet 6 inch gauge is sufficiently large and we could manage to transport the produce after it came across the tunnel, and on an 11 foot tunnel—something that would take the ordinary traffic of the island on a 3 feet 6 inch gauge—would be sufficiently large, and thus Sir Douglas Fox estimates the cost at $5,376,000. Now, to prove the statement I made in my opening remarks, that one party on the island has invariably done all they possibly could to upset and thwart the object of building this tunnel, I may refer to a speech made by the gentleman who is styled the leader of the Reform party, from the maritime provinces, in the House of Commons last session. I have already read you the estimate of Douglas Fox of what the tunnel will cost, and I will now read you the estimate of that eminent gentleman to whom I have referred. This is in reply to a very able speech made by Mr. Wood, the gentleman representing Westmoreland in the Commons. Mr. Davies said :

The hon. gentleman has expressed his strong belief in the feasibility of a tunnel between the island and the mainland and he only postpones its accomplishment for some 10 or 12 years. I shall not enter in to any discussion on that subject with the hon. gentleman. I think two or three things are pretty well established ; one is that a tunnel to be of any service at all to the people must be of the size that would require the expenditure of $15,000,000 or $20,000,000 at least. I do not think that any practical, sensible man, outside of the few who seem to be tunnel mad, are prepared to advise the small toy tunnel which several gentlemen contend could be successfully constructed at a cost of half the sum I mentioned, but which when constructed would be of very little service.

That is the opinion of that hon. gentleman as against the opinion of Sir Douglas Fox, who estimates the cost would only be $5,300,000, and I suppose it is Sir Douglas Fox that he designates as being one of those who are tunnel mad, and who does not know anything about the cost of such a work necessary for the country. Now, my object is not at the present time to dwell particularly on the tunnel. I have said all I wish to say in reference to this matter, but I thought it necessary to say this much, because a remark was made in another place that this matter had been abandoned altogether, and that the island had given up all hope or expectation or intention of prosecuting or ad-

vocating this scheme any further. I said that the financial arrangement made with Prince Edward Island was on business principles, that we were admitted into Canada as part of the confederation on a basis of coming in with a debt of $50 per head, which would amount to the same sum per head that the debt of Canada was at that time, when you add to it the proposed debt, or contemplate expenditure that would have to be made on the Intercolonial Railway, the Canadian Pacific Railway, and the canals up to that time, amounting to some $43,000,000. At that time the subsidizing of railways throughout Canada was not a part of the policy of the government of the day. It was understood, and I think it was embodied in a resolution, or, if not, the terms of union were, that no subsidy would be granted to railways excepting to such as connected two or more provinces together, such as the Intercolonial Railway. Some years passed by and Parliament found it necessary to subsidize railways in different provinces of the Dominion to the amount at first, I think, of something like $3,200 per mile, and afterwards considerably above that sum, and in several cases afterwards the whole cost of the railway was undertaken by the Dominion Government. On this matter, I may say, that I find by a list in my hands, that the cash subsidies to railways, divided into provinces, amount to the following:

| | | |
|---|---|---|
| Ontario, 43 railways subsidized by the Dominion Government, embracing | 1,663·34 | miles. |
| Quebec, 46 | 2,136·52 | do |
| New Brunswick, 22 | 646 | do |
| Nova Scotia, 14 | 482·25 | do |
| Manitoba, — | 100 | do |
| British Columbia, 8 | 328 | do |
| Prince Edward Island, railway of 3 miles, and not one dollar of it accepted or taken up. | | |

Hon. Mr. POWER—The government built your road.

Hon. Mr. PROWSE—I am thankful to my hon. friend who is so much in the habit of interrupting speakers. He has reminded me of the fact that the Government of of Canada never built a mile of railway on the island, excepting the short line from Cape Traverse to the Junction. The railway was built before we entered confederation at a cost of three and one-quarter millions of dollars, and that amount was charged against the island and no one knows that better than the hon. member from Halifax. The railway was wholly built by the people of Prince Edward Island themselves. That has been proved over and over again, and particularly so by the hon. gentleman who is now a member of the government from Prince Edward Island. In the case of the three miles provided for here, the vote was passed, but nobody took it up, because no company would take up three miles of road with any expectation of making it pay. The only way the railway can be made to pay in Prince Edward Island is by the owner of the main line building the branches as well. In addition to the railways I have enumerated, which have been aided by subsidies from the Dominion Government, the Dominion having built since confederation in addition to the Intercolonial Railway and the assistance given to the Canadian Pacific Railway, the following roads: The St. Charles Branch, Rivière du Loup Branch, Dalhousie Branch, Indian Town Branch, Oxford and New Glasgow Railway, Pictou Town Branch, Darmouth Branch, Annapolis and Digby Railway, Cape Breton Railway and Cape Traverse Branch.

This last, eleven miles in length, is in Prince Edward Island and was built for the purpose of attempting to carry out, to some extent, the terms of union so as to give us access to the crossing at Cape Traverse for the winter route. It cost the Dominion Government $120,745. You will remember that the hon. gentleman, who is now a member of the government from Prince Edward Island, last session went very fully into the claims of the island for public works to be constructed there. There is no necessity to go into the figures on this occasion, but he proved our case very conclusively; there is not a member of either branch of Parliament who has undertaken to refute the arguments and statements advanced on that occasion, and we must take it for granted that it is because they cannot be refuted. He showed that if we had our proportionate share, according to population, there would have been $2,000,000 spent for railway extension or other public works in Prince Edward Island to place her on an equal footing with the same number of people in all the rest of Canada. I may say that speech was read from one end of the island to the other, and the hopes

and expectations of the people were revived, because this question had been agitated for many years in the island, particularly the project of a railway on the south side of the Hillsboro' River leading from Southport to Murray Harbour. Not long afterwards they were delighted to find that the hon. gentleman who had delivered that speech was admitted to the council board as a member of the government. After that, the people felt themselves justified in calling meetings throughout the different sections of the country to discuss this question, and the hon. gentleman was invited to attend those meetings, as I was also myself, and we did attend them. The hopes and expectations of the people were raised to fever heat, not by those meetings, but from the hope that the fair and reasonable arguments advanced by the hon. gentleman might have weight with the government. I might say that there is an absolute necessity for railway communication in Prince Edward Island. You are aware, as I have already stated, that navigation closes in the month of December. Our harvest takes place in the month of October, and shipping is not commenced to any extent before the middle of October, and we have only two weeks in October and the month of November to ship away all the produce of the island. It is then a wet season and the soil of Prince Edward Island is such that in the fall of the year the roads are almost impassable. The carting of the farmers' produce cuts down to the very axles and it is almost impossible for a horse to take half a load over those roads at that season of the year, and there is a greater necessity for railway accommodation for the benefit of the country than in almost any other section of the Dominion of the same extent. I may say, too, that road making is a much more serious question there than in any other part of Canada. We have no hard stone for macadamizing. The little stone that is there is soft sandstone, which in a short time is ground by the traffic into sand and becomes no better than the ordinary soil. In advocating the building of these branches—and I may say that the demand is a very reasonable and moderate one—we are asking for some seven different branches. They can scarcely be called branches—the run from three to seven miles, the whole together amounting to only 105 miles. This matter has been brought up in the House of Commons and the Chief Engineer, Mr. Schreiber, who is well qualified to give an estimate of the cost (I think he had the contract for building the main line and is well acquainted with the whole country) stated that the 105 miles will not cost more than $1,100,000. He estimates the earnings of these several branches to amount to more than would cover the working expenses and leave something like $5,000 of a surplus over the working expenses towards paying interest on the capital expended. He has given no estimate of the increased traffic upon the Prince Edward Island road as it exists to-day. I am not an engineer, but I can form some opinion of what the increase of traffic will be, and it appears to me not unreasonable to suppose that there will be an increase of traffic on the Prince Edward Island Railway to cover every dollar of the interest on the cost of building the branches. Consequently the burden on the people of Canada will not amount to one cent—it will only amount to the guarantee of the first cost of those branches.

Hon. Mr. KAULBACH—Does the main railway pay?

Hon. Mr. PROWSE—If the hon. gentleman does not know that it does not pay, I can give him the answer. It is unfortunate that it does not pay up to the present time, but by building these branches it will have a tendency to make it pay very much better than it does at the present time. These several spurs going out from the main line would touch the coast at various points where very extensive, prosperous and valuable fishing is carried on and through a splendid farming section thickly settled with well-to-do farmers. The fish would be landed at those points and taken to the most important shipping place, Charlottetown, where steamers ply every day, and in that way the increased traffic from these branches to the main line, will largely decrease, in my opinion, the loss upon working the main line.

Hon. Mr. BOULTON—The hon. gentleman said he would explain why the road did not pay.

Hon. Mr. PROWSE—Because they have not traffic enough.

Hon. Mr. BOULTON—Is it because the traffic is too light or the rates are too low ?

Hon. Mr. PROWSE—If there was more traffic it would pay better. There is no doubt about that. It has been charged by certain parties that this is merely got up for political effect—that is to have an effect upon the electorate in the forthcoming election, and that there is no intention and no expectation or hope of obtaining these branch railways at the present time or at any future time. I wish to say this—that however anxious I may be to see the present government sustained in office, believing as I do that they are the best men to crrry on the affairs of this country, and the policy that they are carrying out to-day is the policy suited to this young country of ours, I am not here neither will I be a party anywhere to misleading and deluding the people for the sake of getting their votes. I want a plain honest declaration from the government, that these public works, required for Prince Edward Island and which Prince Edward Island is justly entitled to, as already proved by the hon. gentleman from Marshfield, will be undertaken by the government, and that these railways will be built in the near future. If I cannot get such an answer as that, I would prefer, rather than be a party to deceiving the people, and deceiving myself, that the government would give me a direct negative reply, and then we would know exactly what to expect. If I get such a reply it will not be because we have not a claim, nor because Prince Edward Island is not entitled to it, but simply because we have not force enough or strength enough with the government to carry out the just claims of Prince Edward Island in this regard. I say my reason for speaking of the government as highly as I do is because I believe in the National Policy introduced and carried out by the party in power to-day. When I say the National Policy, I do not mean a policy simply to encourage and protect the manufacturing industries of this country ; I believe it is a policy calculated to protect and encourage not only the manufacturers, but the agriculturists, the labourers, the artisans, the miners and the fishermen. Not only that, but I believe it is a policy calculated and intended to encourage and promote the welfare of every province of the Dominion, small and large. It is true we are the smallest province, but we are not the smallest in population. The largest province in Canada—I speak of British Columbia—is yet in its infancy, as far as the development of its resources is concerned, and the time is coming, I fully believe, when that will be one of the first provinces of this Dominion. It will be the California, at least, of this country, and perhaps it will exceed all others in its wealth and natural resources. The principal branch which has been asked for from the government extends from a point right opposite Charlottetown, going down from Southport through the Belfast district and terminating at a deep water terminus at Murray Harbour South, with a cross section leading from that line to the Prince Edward Island Railway as it exists at present. That will take about 60 miles of railway. The chief engineer has recommended it and believes it will be a serviceable road. Some of our friends in the other House and political opponents say it will be no use unless you build a bridge leading acro s from Southport to Charlottetown, the capital of the province. I look upon the advocacy of a bridge at the present time as directly intended to defeat the whole project that we have in view. Surely a railway will be of great service that will take us within one mile of the centre of trade, and across that mile a good steam ferry is now in operation and has been in operation for years past, and in winter time the sleighs can travel backward and forward without any inconvenience. It would be unreasonable for us to expect not only these seven branches to be built, but also a bridge costing, perhaps, half a million of money. I know a bridge has been a question that has been agitated in Prince Edward Island for some time past. The people have been agitating for a common highway bridge whereby they can get to the city of Charlottetown with their horses and carriages, but the local government of the day have not felt that the resources of the island would justify them in building a bridge at the present time. At some future day the bridge will be taken up, after the branches are built in conjunction with the local government so a railway bridge and a bridge for ordinary traffic will be constructed on the one foundation ; but if we never have a

bridge, I say the railway from Southport down to Murray Harbour will be a great benefit to the people of that country. I know what I am speaking of, because I have lived there for thirty-five years and done business there, and I know the great necessity there is for a railway in that locality. Now, to show that even this proposition has been condemned—not exactly condemned, but cold water has been thrown upon it and obstacles have been placed in the way and difficulties have been magnified to induce the government to give a negative answer to our request—the gentleman to whom I have referred as being styled, with a great deal of assurance, the leader of the Reform party in the maritime provinces, spoke as follows on this very question a few days ago in another place :

> This kind of humbug does very well among a certain class of people ; but the large mass of the people of Prince Edward Island are beginning to understand that an agitation for the construction of a public work immediately preceding an election is not likely to be genuine. Now, in this matter, for years past, before every election we have had the question of the tunnel dangled before the people's eyes. Millions would be expended on the island. People were asked not to sell their farms, because the brickclay upon them would be used to make brick.

I never heard of any such suggestion on the part of Prince Edward Island until I heard it stated within 100 yards of where I stand. And what is this said for ? It is said to bring ridicule and contempt on the whole scheme, so that our claims may be pooh-poohed and laughed at, and that we may be given a negative answer by the government, and why ? It is not because this gentleman has not some love for his country, but he hates the Liberal-Conservative party more.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. PROWSE—And he would rather see his country suffer than see the benefits derived from these railways given to them by the Conservative party. Then he proceeds :

> But, to use a significant expression for a time monopolized by a politician down there, the tunnel scheme has been consigned long since to the tomb of all the Capulets. None now so poor as to do it reverence.

Now, I do not think the tunnel scheme has been abandoned. I believe there are borings going on to ascertain the possibility and feasibility of that great work, and until we get a report from these investigations it would be idle for us to press the matter any further, and the question is not by any means consigned to the "tomb of all the Capulets" :

> But the gentlemen from Prince Edward Island who support the government in the Senate—there are hardly any in this House—now laugh at the tunnel, and they tell the people they are going to give them railways. I fear that these petitions—if that was the purpose of those who engineered them—has pretty well squelched the railway project in Prince Edward Island. The idea of proposing a scheme for eight or ten branch railways ! Why it reduces the whole thing to a farce. The agitation in Prince Edward Island for years has been the construction of one railway. These other branch roads were subsidiary ; they were hoped for in time but not immediately. The only question which these gentlemen would have devoted themselves to, had they been honestly anxious to extend the railroad accommodation in Prince Edward Island was the Belfast and Murray Harbour road.

A good deal of complaint and a good deal of abuse has been heaped upon the head of the Senator from Prince Edward Island for having attended some meetings called by the public in that part of the island. I also attended them, but we find that some other gentlemen had called meetings, and I will read you a notice where this gentleman, whose speech I have read, called a series of meetings through the same locality :

> POLITICAL MEETINGS.
>
> RIDINGS OF EAST QUEEN'S AND KING'S.
>
> Mr. L. H. Davies will address political meetings in East Queen's and King's as follows :—
> Eldon—Tuesday, 12th March, at 6 p.m.
> Murray Harbour South—Wednesday, 13th March at 6 p.m.
> Montague Bridge—Thursday, 14th March, at 6.30 p.m.
> Dundas—Friday, March 15th, at 2 p.m.
> Souris—Monday, 18th March.
> Head St. Peter's Bay—Tuesday, 19th March.
> Mount Stewart—Wednesday, 20th March.
> Some slight alteration may be made in above dates ; if so proper notice will be given.

That is quite a number of meetings, and they are not all in this advertisement. What was done at these meetings ? One of them was within a few steps of my own door, and I thought it would not be out of place altogether for me to attend it. I found not only Mr. L. H. Davies, but also the leader of the local government and the two members of the local House there, and he and his colleague there, Mr. Welsh. They all

spoke at that meeting, and you can understand that the government of the day did not get very high praise from them, and a good deal was said against the senators particularly. I presume that was intended for me, because I happened to be present. We were told that a whole, live Yankee had to come down to the Senate chamber to know whether we were alive, asleep or dead.

Hon. Mr. PERLEY—Did you have anything to say to him?

Hon. Mr. PROWSE—I will tell you directly. After all these hon. gentlemen had spoken and pretty roundly abused the Senate and the government and everything that was Tory, I asked to be allowed to reply. If they had seen their grandmother's ghost there could not have been more consternation in the gang. They did not know which would do most harm, to let me speak or if they objected to it because I was amongst my own neighbours and friends, and although the majority of the meeting was against me in politics they said "if the cause of all these gentlemen is as they say it is, then they should not be afraid of the sleepy old senator being allowed to reply, "but," Mr. Davies said "we have other speakers to address the meeting and it is called by ourselves and we have resolutions to pass." I said "I know it is your meeting, and I do not wish to intrude upon it, but I would like to answer some of the statements made by these gentlemen," and they closed the meeting very quickly. They hurried through one resolution which I will read to you.

Hon. Mr. KAULBACH—Were you allowed to speak?

Hon. Mr. PROWSE—No. This is the resolution they passed at the meeting, and the meeting broke up without a vote of thanks to the chairman or this great Liberal leader. They gave him no ovation at all, but they passed this resolution, and it is as strong a resolution and quite as much in favour of a railway as any resolution passed at any meeting that I attended. The resolution was published in the *Patriot* newspaper of the 14th March, 1895, and reads as follows:

The following resolution was moved by John E. Winsloe, seconded by Henry Brehaut, sen.:—

Whereas there have been large expenditures of public money in the other provinces of the Dominion for railways and canals in order to develop the commerce of the Dominion and to open up the North-west for settlers;

And whereas, the people of Belfast and Murray Harbour are badly in need of a branch railway to these important agricultural districts, in order to make it possible for them to ship their produce without so much inconvenience to themselves as at present exists.

And whereas, we are justly entitled to a proportionate share of the money expended in public works, and in view of the fact that the people of these districts are so seriously handicapped in trade, in travel under existing circumstances;

Therefore resolved, that this meeting earnestly solicit the Hon. L. H. Davies and his colleagues in Parliament to urge upon the government the necessity of this very desirable work, viz., a branch road from Southport through Belfast to the deep water terminus at Murray Harbour South, thence to the main line connecting at or near Cardigan.

That is the very road we are asking the government to build. I may say the result of that meeting was simply this: I know more than one or two who were at that meeting who went there strong supporters of this leader of the Liberals of the maritime provinces, and when they found the unfair treatment that their neighbour received, they went away as strong opponents of that Liberal leader, and they will never vote for his party again. So perhaps it is as well that I had no opportunity to speak on that occasion. Now, such is the resolution which Mr. Davies had carried at these meetings, especially at the Murray Harbour South meeting. Contrast that with his speeches in his place in Parliament, and you will see that they do not in any way correspond. Mr. Davies went on to say the other day in reply to Mr. Macdonald, of King's county, as follows:

The hon. gentleman distinctly said that he hoped they would not give the money which was due to the island, to the local government while the Liberrl premier was in power, but that they would squander it in public works, the construction of which he would suggest; and I suppose he would suggest, in order to kill the Belfast railway, the construction of eight or ten little branches all over the island. He knows that such a proposition coming from him is well calculated to destroy that which the people of the island have much at heart. If he were sincerely desirous of promoting the construction of that road he would have had the courage to stand up here and to say: the scheme which the hon. member for Queen's suggested in 1890-91 is not large enough, and I propose another scheme. But he does not tell us where the road is to run, he does not hint what his views are upon that subject. When I brought this question before the House in 1890, I thought it was desirable,

to put this matter before the government in business-like way.

What was the business-like way he brought it before the government. He was advocating a grant from the government towards the Wood Island breakwater. In his advocacy of that he incidentally brought in this question of the railway which should be built from near Cardigan station. That was the only railway accommodation which he was prepared to recommend the government to build for the people of that section of the country. If that is all that is coming to the Belfast and Murray Harbour district, they do not want it, because it means simply this, to use that railway they would have to pay double mileage every time they want to go to Charlottetown or any locality on that line. But by having it the other way, it would benefit one-sixth of the island while the proposition of Mr. Davies would benefit nobody. That was the proposition made by that hon. gentleman in 1890. Has he ever opened his mouth since then in favour of the railway? Not once. He held a meeting at Caledonia and the member of the government for Prince Edward Island attended that meeting, I was not present myself. They passed a resolution saying that they did not want that proposition of Mr. Davies, that they wanted the railroad from Southport to Murray Harbour, yet that is the contention made by Mr. Davies now. He continues :

I had some consultation with a number of engineers, and I was assured by them that a branch line from Peak's Station might be built which would give the necessary accommodation and do away with the necessity of a bridge across the Hillsboro', which would cost half a million of money. I thought that line could be adopted, and the amount which would be asked for would not be a quarter of a million of money, or anything like it. But the people at large, being led by the politicians to suppose that they can get the larger road, are in favour of the larger road, and I need not say that if such a road can be obtained, it will have my hearty support from the word go. The people here have a right to it, I think. Now, I think myself that even if the construction of this road were asked upon the same grounds as the construction of other roads in different parts of the Dominion, that the Parliament of Canada would be slow to grant it. I think, just now, in view of the financial stringency of the country, with the enormous deficits we have to meet, that Parliament would be very slow to grant a large sum of money for the construction of the railway. We know that the government have already announced their general policy to be not to subsidize or construct any public work during the present year ; there are to be no railway subsidies asked for, and no sums voted for for the construction of government roads.

What an advocate of the people he represents ! What a brilliant speech in favour of the people who have been contributing to the island railway for the last 25 years and have never received $1 of benefit from it ! When they ask for a railway every obstacle and objection which can be raised is brought by Mr. Davies against it. He says further :

From what the Minister said, that estimate does not include a bridge. I may remark that the railway from Southport to Murray Harbour would be useless without the construction of a bridge, and the cost of constructing a railway and foot passenger bridge would not cost over half a million. Without this the railway would be a mockery, a delusion and a snare. * * * * * * When the main road was built it was hoped that this section would have accommodation in the near future. That was the railway that everybody was thinking about, and the hon. Minister now gets up and reads a list of railway lines all over the island. And for what purpose ? For the purpose of killing out this scheme for the construction of the railway from Belfast to Murray Harbour.

He says his advocacy and his plan was to get a branch to the east for less than one-quarter of a million dollars, but now sixty miles of railway from Southport to Murray Harbour south, without a bridge across to Charlottetown, to cost half a million dollars, will be a delusion, a mockery and a snare. There were some other gentlemen in the House of Commons who thought proper to make some remaks in reference to this agitation which has been going on in Prince Edward Island for this branch railway. Mr. Davies' colleague, Mr. Welsh, spoke as follows——

Hon. Mr. POWER—I rise to a question of order. It is a well understood rule of Parliament that it is improper to quote, or refer in one House to a debate in the other House. I do not ask that the rule be enforced against the hon. gentleman, but he must bear in mind that he is transgressing the rule, and as he has given us already a great portion of Mr. Davies's speech, he might be satisfied with that and let the others go. We will take it for granted that Mr. Davies represents the others.

Hon. Mr. PROWSE—I may have digressed a little from the rules of the House, but when hon. gentlemen in the other branch of Parliament undertake to name

senators and denounce their conduct as public men, we have a right here as senators to defend our position. I met that gentleman on a public platform and was refused by him an opportunity to reply to his remarks. He takes shelter in his own chamber to attack senators here, and we are deprived of the the right to reply. I will refer to his statement at all events and the statement of his colleague if the House will permit me.

Hon. Mr. POWER—I do not object; I only called attention to the fact that it is out of order.

Hon. Mr. PROWSE—In 1890 the leader of the Liberals of the maritime provinces—I hope my hon. friend from Halifax does not object to my giving him that title—made a speech in the House of Commons advocating a branch railway, as I have already mentioned, and his colleague, Mr. Welsh, also made a speech on that occasion, following Mr. Davies. He spoke as follows:

> My colleague has spoken about a railway branch to Murray Harbour. I think myself it might possibly, in the end, be profitable to the country at large. It is a fact that a large portion of the peope in that section are without any railway accommodation.

What he said in favour of the branch railways in 1890 was not a very strong recommendation, and he only transfers that support now to the branch from Southport to Murray Harbour in accordance with the resolution passed at his own meeting, to which I have already referred. I do not intend to quote any more speeches delivered by those gentlemen. I do say this, however, and say it honestly, there is nothing more unjust or dishonest or unfair than to charge us with advocating railway accommodation for the people of Belfast and Murray Harbour and other sections of the island for political purposes. There was no necessity for doing that. We do it honestly; we do it because we think the people require it and are entitled to it, and when we have all the branches built there will be a million dollars still that Prince Edward Island will have a right to have expended in furtherance of the public works of that province to put us on an equal footing with the other provinces of Canada. These figures have been presented to the House before now, especially by the hon. gentleman who is now member of the government for Prince Edward Island. I can only express the hope that the government have given this matter their serious consideration, that we will be assured that ere long something will be done. We do not wish to press them unduly. We would have been delighted to have a sum in the estimates this year, but owing to the unfortunate circumstance that there is a deficit, we do not wish to be unreasonable, but we do ask that the government will give us some assurance that among the very first votes to pass through Parliament for railway subsidies in any part of the Dominion, justice shall be done to Prince Edward Island in building these branches to which I have referred.

Hon. Mr. McDONALD (P.E.I.)—I desire to say a word or two in support of the motion which has been made by my hon. colleague, the member for Murray Harbour. He has placed the matter so fully before you, that it is scarcely necessary for me to go into any very detailed statement of the wants of Prince Edward Island, respecting railways. I may say that in so far as his speech referred to the railways required for Prince Edward Island, I entirely concur in all that he said, but in respect to the tunnel, I do not know that it is necessary to mix it up with this question at all, nor do I think that the utterances of members of the other branch of the legislature require the criticism which they sometimes receive from members of this branch. When the Act was passed to sanction the building of a railway in Prince Edward Island, it was contemplated that branches should be extended to various places in the province, in order to be feeders to that railway, and the main trunk line of the Prince Edward Island Railway, extending from Georgetown on the south to Tignish on the west was expected and intended to have branches at the various villages and locations at which trade was carried on in order to be feeders for that main line and to bring the trade of the island on to the main line. That has not been done up to the present time to any extent. We know applications have been made to the Parliament and government of the Dominion at various times for the construction of some of these branches. There was one which was referred to by my hon. colleague, a very short branch extending but three miles from the town of Summerside to the north side of the island. It would appear to hon.

gentlemen, who do not know anything about the locality or the trade there, that it would not be necessary to build such a short branch as that in order to bring trade to the railway, but if they knew the circumstances of the place, if they knew the trade which is carried on there, if they knew the vast deposit of oysters and the extensive beds on that coast and the freight which people have to carry in the fall of the year when the roads are bad and it is almost impossible to get to a shipping place, they would see the great necessity for that short branch. It was applied for and the government offered a subsidy towards its construction, but, as my hon. friend has stated, it would be impossible for a private company to undertake the construction of a short branch of that kind, as a feeder to the Prince Edward Island Railway, but if it were constructed by the government it would not only feed the Prince Edward Island Railway, but would bring a great portion of that trade on to the Intercolonial Railway. The freight carried on that branch would be taken charge of by the railway department there and they would give bills of lading for its transfer to whatever place it was intended to go. Then there is another branch which has been applied for and which the government at one time thought of going on with, a short extension from a place called Harmony Station towards the East Point of Prince Edward Island where there is an extensive settlement. The railway would run in the centre towards East Point and afford railway accommodation to a large number of agriculturists on each side of that road, and also to those who are carrying on extensive fisheries along the north coast of Prince Edward Island where they are at very great disadvantage for shipping places, and where they have to carry lobsters of which they put up many hundred cases, besides mackerel, codfish and other productions of the sea at very considerable expense by means of horses and carriages, to the nearest railway station at Souris, a distance of 12 or 15 miles, and sometimes 20 miles. A railway extension of seven miles would afford all the accommodation they require at that point. There are still other branches which are required to complete the railway system of Prince Edward Island. There is one from Emerald, extending northward, which would give accommodation to a large number of people in one of the most flourishing settlements in Prince Edward Island. These small branches could be worked without any additional expense to the railway department, except building the line on which they run. There would be no additional office expenses incurred, because the office staff that transacts the business for 200 miles of road now in Prince Edward Island, would not require to be materially increased, if increased at all, to transact the office business of 300 miles of road. Then the present road staff would be able to serve those short branches without any additional expenditure for the purpose. You can see that this would entail but a very small cost on the government of the Dominion. There is also required a short branch from a station some distance out from Charlottetown towards the flourishing settlement of Crapaud, passing through one of the finest agricultural settlements of the province to the town of Victoria, if it may be called a town. It is an extensive settlement where there is a cheese factory and agricultural operations are carried on to a very great extent. There is also required by the Prince Edward Island Railway another branch extending from the Royal Junction out towards the north side of the island, a distance of about nine miles, leading towards the greatest fishing grounds, probably, existing in the Gulf of St. Lawrence, towards the settlements of Cove Head and Rustico. These branches, you can see, must necessarily centre a great portion of the trade on to the Prince Edward Island Railway. These places are not any great distance from Charlottetown, their main shipping point; but if they have to ship their products by water to Charlottetown, they have to take a long and circuitous route around the island in order to reach their destination. If they had those short branches of railway constructed, they would be enabled to convey their produce to the railway or to the principal shipping place for export at Charlottetown, where the steamers from the United States markets, from Nova Scotia, from New Brunswick, and from the upper provinces call, in order to ship them to their destination, wherever it might be. An application has been made for a branch at a place called O'Leary, towards the West Cape. We know gentlemen propose to give us a winter service towards that part of the island, and that we have had applications here from persons who are building a road from

Richibucto towards some point there where they expect to make connection with the Island of Prince Edward. At such places as Campbellton and Miminegash very extensive fishing, as well as other operations, are carried on. The whole of these small branches to which I have referred do not exceed in all forty-five miles, but each one of them would contribute greatly to the trade that would be carried over the main line of the Prince Edward Island Railway, and it would greatly increase the receipts of that road by bringing an additional amount of traffic to it. But the main line which is required at present, and for which the greatest agitation has been going on in Prince Edward Island, extends from Southport to Murray Harbour, That has been fully referred to by my hon. friend who comes from that section of the country, but he scarcely went, in advocacy of that line, as far as he might have done. His modesty overcame him at that point, for really that line would pass through the most flourishing district of the whole island, leading towards some important points and passing through a very large portion of the province where at present there is no railway accommodation. That portion of the island comprises about one-fifth of the population and one-fourth of its area, and it has no direct connection or communication with the present line of the Prince Edward Island Railway. The district through which it passes is, without exception, as flourishing as any other part of Prince Edward Island and hon. gentlemen know how thickly that province is populated. We have a population of at least 50 to the square mile taking the province as a whole. Hon. gentlemen will see that with such a population, if the people have sufficient facilities for making use of a railway, it must pay. The reason that it does not pay now is that it is a main trunk line without connection with outer ports of the island where there is a great amount of traffic and where the people now instead of taking advantage of the railway in order to come to the city where their centre of trade is, must take their own horses and carriages for eight or ten miles before coming to the railway and then travel over the road. But when they have their horses and carriages and once get into them, they do not think that it pays them to take advantage of the railway at all, and they make no use of it, whereas if the line went within a reasonable distance of their place of residence, instead of using their own horses and carriages they would make use of the railway and thus increase its receipts. The whole country in the southern section of Kings' and Queen's counties is thickly populated. There are cheese factories and butter factories and the farmers produce large quantities of beef and pork for which they must find a market, and their agricultural products are second to none in any part of Prince Edward Island. With railway communication given them, it is impossible to see why the railway, properly managed, should not pay. The objection has been raised that the Prince Edward Island Railway does not pay, and that, therefore, it should not be extended, but before coming to any such conclusion as that we should take into consideration the reason it does not pay. If people had the proper facilities for making use of the road, it would pay very much better than it does at present anyway. Our railway is a narrow gauge road and it costs some $15,000 or $16,000 a mile, probably less than one-third of the Intercolonial Railway. But while the cost of operating the Intercolonial Railway is about 71 cents a train mile, the cost of operating the Prince Edward Island is $1.02 a mile. Now, by building the branches, the smaller ones can be served by the same rolling stock and without any increase in stock or any material increase of staff or officers, and as these branches must bring an increased amount of traffic to the main line, the construction of them must reduce the cost of operating the main line per mile. The cost of operating the Prince Edward Island Railway Mr. Schreiber has estimated at $1.02, according to the return made to the other House; the cost of operating the branches will not be 60 cts. a train-mile, and he estimates the construction of these branches would leave a balance of earnings of something near $5,000 per annum. That would assist in reducing the outlay or the expenditure on the Prince Edward Island Railway over and above the receipts, and besides increasing the receipts and passenger traffic, it would lessen the cost to the government of operating the Prince Edward Island Railway and bring it down to nearly the rate on the Intercolonial Railway per train-mile. When the Prince Edward Island Railway was built, hon. gentlemen must

remember, material for the construction of that road was very expensive. Steel rails cost as much as $90 per ton. Now the best steel rails can be laid down in Prince Edward Island for $21 per ton. If when the main line was built in Prince Edward Island the rails cost $90 a ton, but the road can now be built with the rails costing $21 per ton, and other materials cheaper in proportion, a road of 3½ feet gauge can probably be built for nearly half, or say $9,000 per mile. At that rate for the distance that we require, 105 miles, the cost would be less than $1,000,000. But even with the necessary buildings and outfits if it should cost up to $1,100,000 it would be a very small charge on the Government of the Dominion over and above the earnings which we may expect from the road. It is but a very small item in the expenditure of the Dominion. The interest would not amount to $40,000 a year, and such an expenditure we may reasonably ask for without adverting to those claims which have been several times referred to as necessary to complete the terms of confederation. I trust that the Government of the Dominion will, at the earliest possible moment, undertake the construction of this road in order to complete the railway system of Prince Edward Island and thus show the people of the Dominion that while we contribute to the great public works of the Dominion—works which our own isolated position prevents us deriving benefit from to any extent—our wants will still receive the care and attention of the government and that they will not neglect the interests of the smallest province in the Dominion.

Hon. Mr. KAULBACH—I wish to make a remark in reference to one matter which has not been mentioned. The north shore of the island is deficient in harbours and there is only one place that they can use at all—it is some such name as Cascumpec. They cannot ship from that part of the island. They hardly even have a harbour of refuge on the north shore of the island and, as a matter of necessity, the produce has to be shipped in connection with the present railway system of the island ; otherwise, I contend if they have the harbours, there would not be the same claims for railway branches as the produce of that part of the island could far cheaper be carried in schooners. If they cannot ship their produce by water, certainly the only remedy is to ship by the railway, and therefore I think my hon. friend might have made that point if it is the fact. The only facilities for getting the produce of the northern coast of Prince Edward Island over are by the railway.

Hon. Mr. BOULTON—I think a few words on this subject are not out of place. I see by the returns that the loss on the Prince Edward Island Railway is $68,000 per annum. That is an interest charge to the Dominion of $2,000,000 capital. If, as the hon. gentleman says, the connection of the main line with the important points on the coast is going to add to the value of the main line, it certainly is worth while to pay out $1,000,000 in order to increase the traffic by these connections. From the accounts which I gathered from the hon. gentleman who addressed the House, my own opinion is that the railway will never be thoroughly successful unless it has a connection with the main line from Nova Scotia, but it is not a very creditable showing for our government railway in Prince Edward Island to be losing about 30 per cent above the gross cost of running the road. We in the North-west Territories have to pay a mileage earning charge of $1.50 per train mile, according to the railway report now before us, while the government railways, both the Intercolonial and Prince Edward Island Railway are only earning 70 cents per train mile, the latter costing one dollar per train mile in expenses. We have to bear our share of the cost of running these lines at that reduced rate, while we have to bear our own burden of paying 3 per cent interest on the cost of the Canadian Pacific Railway for 6000 miles or whatever proportion we use of it, at a train mileage earning of $1.50. Whether it is in consequence of the scarcity of traffic or the rates being too low, I am not able to say, but there is the broad fact that $68,000 is the annual loss on 210 miles of the Prince Edward Island Railway, which is 3 per cent on a capital of $2,000,000. If the additional capital of $1,000,000 will bring up that $68,000 to make it pay, it is worth while for the government to consider the advisability of constructing the branches referred to.

Hon. Sir MACKENZIE BOWELL—I desire to say a few words in answer to the

statements made by the hon. senator who moved the resolution. While I confess that I am not altogether in accord with everything the hon. gentleman stated as to the failure of governments in the past to carry out to the fullest extent the terms of union with that province, I am quite well aware that there have been many complaints, I am also acquainted with the effect of the complaints that were made by British Columbia. The government of that day believed they were acting in the interests of British Columbia in coming to what was known as the Carnarvon terms. If the full terms of the union had not been carried out with Prince Edward Island, I think the hon. gentlemen from that island will at least credit the government with the desire to do all that they could to effect an efficient winter service. If the elements, with which it was impossible to cope, have been against us, they must not attribute that to the government of the country. No one knows better than those gentlemen what the difficulties are that present themselves almost every year in the navigation of the Northumberland Straits; and at present I think they will admit that the government of the day, in the steamer which they have now upon the route, has given them certainly the best service that they have ever had, and as good a service as can well be given considering the fact that the elements are against us. While I make this statement I am not forgetful—neither is the government—of the isolated position of Prince Edward Island; nor have we forgotten the fact that that isolated province cannot reap all the benefits that are reaped by those who live upon the mainland in the matter of railway connection. Hence I think they have very fairly a claim to assistance for the construction of roads through the different parts of the island which will bring trade to the main line. However, that question has been very well put by the hon. gentlemen who have spoken, and it is unnecessary for me to waste the time of the House in discussing it further. There are, however, advantages which even the Prince Edward Islanders reap from the construction of those main lines, although not to the extent, I admit, that those who live on the main shore had. When we reflect that before the construction of the great railway arteries throughout this Dominion, and the facilities which they now have of crossing the straits, they used to take 7 to 9 days to reach Montreal or Ottawa from the island, a journey which can now be accomplished in 24 or 30 hours. This is saying something in favour of the facilities which have been offered to the people, not only of that island, but of all other parts of the Dominion. I do not readily understand what my hon. friend from the prairie province meant by saying that these roads never could be a success until they had connection with the main line. They have a connection now, as good as can well be established, unless the famous tunnel of which we have heard is constructed; and even then, with that constructed, in order to make a continuous route the lines I mentioned would have to be reduced to the narrow gauge, or the narrow gauge on the island would have to be widened to the standard gauge, in order to enable them to go from one part of the country to the other without breaking bulk. The case has been so well put by the gentlemen who have spoken that I can only call the attention of this House to the policy which has guided the present government since its formation in 1878, and that policy has been to aid to the fullest possible extent of the revenue of the country, not only railway extension within the Dominion, but also connection with foreign countries by steam; and I can assure the hon. gentleman that so long as the government exists—which I hope in the interests of the country, not individually, may be for a very long time to come—that policy will be continued. I do not know that I could say more than was said by my colleague the Minister of Railways when speaking on this subject. I will not transgress the rule to which my hon. friend opposite has called attention, by referring to any remarks that were made in the lower House. I know that it is contrary to the rules of the House, but there is a way, I believe, of reaching questions of that kind without violating the rule of this House or the other House, and that is by stating frankly to those whom he is addressing in the Senate that he observes that a certain person made a certain statement and putting it in that way you can give the information which you desire, at the same time keeping within the strict rules of Parliament. I find my hon. colleague the Minister of Railways made this statement:

From the calculation made by his officers he was of opinion that the construction of these lines and additions to the government railways would involve an annual charge of $33,000 per annum.

That would be the interest on an expenditure of a little over $1,000,000 in the construction of railway branches, supposing they did not pay atall. If, as has been argued by the gentlemen who have spoken, the construction of these branches would bring to the main line a large portion of the trade which is now carried by the small vessels which frequent their harbours, then the deficit would not be so great. The Minister of Railway proceeds :

And he did not think this was more than the province could properly claim. The government would, he was sure, deal justly with Prince Edward Island on the next occasion when government aid was given to railways.

I have no hesitation, on behalf of the government, in reiterating that statement, not only with regard to Prince Edward Island, and extending it to the other provinces of the Dominion, where railway extension is necessary for the proper development of the country.

Hon. Mr. POWER—A wholesale bid.

Hon. Sir MACKENZIE BOWELL—My hon. friend says with his usual courtesy and frankness "a wholesale bid." If it be a wholesale bid, it is a bid that has been made and a policy that has been carried out to the letter ever since this government has been in power, and if it be a bid to the electors to say that we propose to continue this policy, then I make the bid directly. I do not say now that I make that as a bid to the people of Prince Edward Island. I lay that down as the general policy of the government, just the same as we lay down the policy of the government as being incidental and direct protection whenever it is necessary. You may say that it is a bid to the manufacturers, because we say we intend to carry out that policy. If it be a bid, I say we do intend to carry it out. If it be a bid to the maritime provinces, or the province on the Pacific, to say that we intend, as far as the revenues of the country will justify, to develop the trade of the country by steam communication and the mining interests by opening up the country, and to grant liberal subsidies to develop those enterprises, I hesitate not to say that that is the policy of the government. If that is a bid, it is an honest one by the government which this country has, for the last 17 or 18 years, sustained and will sustain I believe in the future.

Hon. Mr. BOULTON—Free trade.

Hon. Sir MACKENZIE BOWELL—I am very sorry I touch a tender spot in the cranium of my hon. friend behind, but I could not help hearing his question "free trade." Well, when that time comes and this country is sufficiently prosperous and in a position to justify my hon. friend's policy, if I am alive at that time and think it is right, I will adopt it.

Hon. Mr. PERLEY—The time will never come.

Hon. Sir MACKENZIE BOWELL—I agree with you, but I will not be led into a discussion of that question at present. There is a fallacy that prevails throughout the country, and I should not refer to it had it not been for the remarks of the senior member for Halifax, when he said the government paid for the railways of Prince Edward Island. It is generally supposed that that is literally correct. If I understand the terms of union, Prince Edward Island built her own railways, and the Dominion assumed and paid the expenses of running them, but they charged Prince Edward Island in her debt every cent, that it cost them to construct the railways, so that in fact it is not correct to state that the Dominion built the railways of that province. If the Dominion had built the railways, then the amount allowed for their debt would have been larger, and consequently they would have received a larger income arising from that source. I have stated generally the policy of the government in reference to this question, and I hope that not only Prince Edward Island, but Nova Scotia and every other part of the Dominion, will in the future as in the past receive what is justly due them. I think I can make out a pretty good case to show that during confederation we have done justice to every part of the Dominion, as rapidly as it could possibly be done. If we have failed, it has been for the want of sufficient revenue to justify us in doing it. We have been denounced from one end of the country to the other as attempting to purchase different parts of the country because we have

aided railway enterprises. The same declaration, in not so pointed a manner, was made by my hon. friend opposite a few minutes ago. I say, with all respect to him, I repudiate it. What we do in that respect is done on a well-defined policy which we believe to be in the interests of the Dominion as a whole.

Hon. Mr. POWER—After the three speeches that have been made on the other side, it is not unreasonable to ask that I be allowed to say a few words. The speech made by the hon. leader of the government renders it necessary that something should be said. First, to deal with a matter that is not of very much consequence, as to the question of order, I did not attempt to stop the hon. gentleman from Murray Harbour, when he was quoting from speeches made in the other House, I simply called his attention to the fact that he was not in order. Now the first Minster has undertaken to indicate that there is a way of getting out of that difficulty. I wish to call the hon. gentleman's attention to the fact that the way that he has suggested is not the way that is approved of by authorities on parliamentary procedure. I take Bourinot's work, which is recognized as an authority in this country, and I turn to page 426 and find this language :—

> It is a part of the unwritten law of Parliament that no allusion should be made in one House to the debates of the other chamber, a rule always enforced by the Speaker with the utmost strictness. Members frequently attempt to evade this rule by resorting to ambiguous terms of expression —by referring, for instance, to what happened 'in another place'; but all such evasions of a wholesome practice will be stopped by the Speaker, when it is very evident to whom the allusions are made. It is perfectly regular, however, to refer to the official printed records of the other branch of the legislature, even though the document may not have been formally asked for and communicated to the House.

Hon. Mr. KAULBACH—My hon. friend has been a big offender in that way himself

Hon. Mr. POWER—No, I am not in the habit of referring to speeches made in the other House at all. If I should offend in that way it is the hon. gentleman's duty to call me to order. When I sin he should condemn me, not now. In the present instance it is particularly to be regretted that so much reference should have been made to speeches delivered in the other chamber.

Hon. Sir MACKENZIE BOWELL—What I quoted was from a report in the *Citizen* of this city.

Hon. Mr. POWER—I am not in the habit of raising frivolous points of order. It is a sort of thing I never have believed in, and I simply want to maintain the position which I assumed. In the present case it is particularly unfortunate. It happens that there is not in this House a single gentleman from Prince Edward Island who supports the opposition. In the other chamber there are two gentlemen who represent the government, and it seems to me that those two gentlemen were quite equal to upholding the cause of the government, in that chamber, without calling in the assistance of the able and patriotic gentlemen who represent that island in the Senate. That is my view. Something has been said about the tunnel, and a good deal has been said about the railway to-day. I got the impression that the hon. gentleman from Murray Harbour had in his head the idea that your humble servant was opposed to both those schemes. If the hon. gentleman will refer to the discussion on the tunnel question on the last occasion when it was brought up by the hon. gentleman who is now the Lieutenant-Governor of Prince Edward Island, he will find that I did not oppose the tunnel scheme, but on the contrary contended that the claims of Prince Edward Island were such, that if the tunnel did not cost more than the hon. gentleman indicated here—that is $5,000,000—it was the duty of the government to go on and construct it. I have an impression, however, speaking from memory, that I did suggest, in a jesting way, that it was barely possible that the tunnel was intended largely for the purpose of making a road from the Senate to Government House at Charlotte town; and the result has to a certain extent indicated that what was said in jest was true, because hon. gentlemen will observe that during the last session or two we have not heard very much about the tunnel. I am surprised that we do not have the earnest advocacy of the tunnel now which we had when the hon. gentleman who formerly sat here from Alberton was a member.

Hon. Sir MACKENZIE BOWELL—What goal did the hon. gentleman of the Opposition expect to reach when he made the promise before the last election?

Hon. Mr. POWER—I am not responsible for his utterances. I am not speaking of what the government promised, because I do not think the government did make any promise; I am speaking of the gentleman who advocated the claims of Prince Edward Island at that time. I gather from the speeches made by the hon. gentleman from Prince Edward Island, and also from the speech made by the hon. leader of the government to-day, that the tunnel is retired, at least into temporary obscurity.

Hon. Mr. OGILVIE—Permanent obscurity.

Hon. Mr. POWER—We shall not hear of it, I fancy, until the eve of another general election. The hon. gentlemen from Prince Edward Island now advocates the construction of certain branches of the island railway. In this they have my most hearty support. I feel that Prince Edward Island has, perhaps, had less justice done to it since it entered into confederation, than any other province of the Dominion. No province has a stronger claim. I venture to say, that the policy which may have served other portions of the country has, to a great extent, injured Prince Edward Island. That province has got very little in the way of public works, and the only thing which this government can do of much consequence for Prince Edward Island is to construct those branch railways which have been spoken of. I regret that the hopes which were entertained some months ago, when the hon. gentleman from Marshfield was taken into the government, that his entry into the government would mean that something of a substantial character was to be forthwith done for the Prince Edward Island railways have been disappointed.

Hon. Sir MACKENZIE BOWELL—You are outbidding me altogether.

Hon. Mr. POWER—Not at all. I am not promising anything. I am simply giving my opinions as a private member, and those are the opinions which I expressed years ago on the floor of this House. I say there have been millions of dollars spent in other portions of the country with no substantial benefit either to the country at large or to the sections where the money has been spent, which would have constructed all the branches that are now asked for in Prince Edward Island. Nowadays a million dollars is a small thing. It would not much more than build a lock on one of the large canals. I interrupted (I admit it was not proper) the hon. gentleman from Murray Harbour by saying that Canada had built the railway. My reference then was not to the original Prince Edward Island Railway but to the two extensions which have been constructed of late years by Canada.

Hon. Mr. PROWSE—Only one.

Hon. Mr. POWER—I was under the impression that there were two. With respect to the hon. gentleman who is recognized by the liberal party as their leader for the maritime provinces, I do not think he deserves the condemnation bestowed upon him by the hon. gentleman from Murray Harbour. That hon. gentleman spoke of him as a man whose hatred for the Liberal-Conservative party exceeded his love for his own island. That is a very strong indictment, and one which I do not think the hon. gentleman was justified in making. If any member of this House will take the trouble to read the speeches of that gentleman in the other chamber he will find that that gentleman is just as much in favour of the construction of branch lines in Prince Edward Island as any member of this House; but, perhaps, having the experience of the tunnel before him, the hon. leader of opposition from Prince Edward Island expressed some natural doubt as to whether those branches were really intended to be constructed or whether they were being used largely to influence the electors at the next general election. I am glad to hear from the first minister that it is the intention of the government—as soon as the finances of the country are in a better condition—I do not know that he qualified his statement—to proceed to construct those branches. Of course, if the statement is made in an unqualified way, it is so much more satisfactory. With those branch railways constructed, Prince Edward Island will have had a reasonable justice done to her, for the time being at any rate.

Hon. Mr. FERGUSON (P.E.I.)—After the remarks which have been made by my

hon. friend the Premier, and the very able addresses that hon. gentlemen have listened to from two senators from Prince Edward Island, and other gentlemen who have addressed this House, it was not my intention to have offered any observations, but my hon. friend from Halifax was kind enough to say in the course of his few remarks, that the anticipations of the people of Prince Edward Island with regard to my accession to the Cabinet have not been realized. That leads me to say a few words with regard to the treatment of my province by the present government and by their predecessors. I think I am warranted, from the observation which my hon. friend made and to which I have just alluded, in contrasting in a few particulars the treatment which Prince Edward Island has received from the Liberal party, and that which it is receiving from the Liberal-Conservative Party. When the island entered confederation there was a condition in the terms of union to which my hon. friend from Murray Harbour referred, that we were to have efficient steam communication, winter and summer, between the mainland and the Dominion of Canada. The Mackenzie administration came into power immediately after the island entered confederation, and on them devolved the duty of dealing with that question. It is in the recollection of everybody in Prince Edward Island that their dealing with the question was singularly unfortunate. They did not seem, for many years at all events, to have any conception of their duty in the matter. They employed an old steamer known by the name of the "Albert," a wood boat and unfit to carry passengers in any sea or anywhere, and kept her for years on that service, a mockery, delusion and a snare. Later on they put in the "Northern Light," and I have always said, although the "Northern Light" failed in her purpose, it was an honest attempt on the part of that government for which they deserve credit. The Conservatives came into power, and although many of us felt that they did not deal as promptly and efficiently with that service as they should have done, still we have this fact that they have put a steamer on that route that is equal to anything that is to be found in the world to-day for such a service. She is a wonderful boat and accomplishes wonders. She does not effect perfect and efficient communication—that appears to be almost impossible by navigation—but she is an admirable boat and she is doing wonderful work in the way of maintaining communication between Prince Edward Island and the mainland.

Hon. Mr. POWER—Was not her immediate predecessor a good boat?

Hon. Mr. FERGUSON—The "Northern Light"?

Hon. Mr. POWER—Yes.

Hon. Mr. FERGUSON—I have already said that she was a failure so far as maintaining communication was concerned. It was a blunder from beginning to end in her construction. The principle on which she was to climb the ice and break it down required that she should have about 15 feet deeper water in her stem than in her stern. She had no weight in her stern and could not break the ice down. The "Stanley" accomplishes this in a wonderful manner. My hon. friend says that the hopes and expectations with regard to my entering the cabinet have not been realized. That leads me to say some thing about the "Stanley." The "Stanley" was put on that route, and the government maintained rates which were almost prohibitory—the rates that had been maintained by the Mackenzie government when the "Northern Light" was running. As soon as I became a member of the government I advised the Minister of Marine and Fisheries to reduce the rates and make them the same in winter as in summer for passengers and freight. My colleague adopted my suggestion, and, I am happy to say, the result has been most satisfactory, developing the trade of the island. The rates have been very reasonable, and the result has been not only satisfactory in developing communication between the island and the mainland, but, I think the returns will show satisfactory in the way of giving better financial returns for the service than years before. I mention this as one thing that the government have been doing for the island in the matter of communication. I must mention another matter which has been referred to by the premier—that is, the facility of communication which Prince Edward Island now enjoys in connection with the rest of the world. Up to the present summer over two days were consumed—I think nearly three days by some routes—in passing from Prince Edward Island to Montreal, the commercial

capital, or to Ottawa, the political capital. of Canada. Now, a Prince Edward Islander from Tignish or Charlottetown may in the morning take his breakfast at home, step on a train and reach Montreal the following morning and return the next day. A gentleman in Prince Edward Island had occasion to write to me thinking that I was at Ottawa; he posted his letter on Tuesday morning, and it came here and was returned to me in Prince Edward Island on Thursday, having been only sixty hours on the way from the time it left Prince Edward Island until it was returned to me in that province. I mention this to explain why the people of Prince Edward Island are better pleased than they were, and this has been accomplished without any increased expense whatever, but by means of getting better connections. After the Mackenzie government went out of power, in 1882, the government of the day introduced a measure for building a branch railway to Cape Traverse, the only railway built at the expense of Canada in Prince Edward Island, eleven miles of road, and when that amount, $182,000, was being voted by Parliament, the Hon. Mr Mackenzie, then leader of the Opposition, said:

> I think we have done very well by the island, and we have carried out the terms of union to the utmost possible extent.

At that day the Hon. Mr. Mackenzie, the leader of the Liberal party, after having been in the government himself and after having furnished nothing better for the purpose of that communication than the old steamer "Albert," and the "Northern Light," speaking no doubt for his party, declared in Parliament: "We have done very well for Prince Edward Island, and we have carried out the terms of union to the utmost possible extent." The Liberal-Conservative party have been in power since 1878; in the opinion of the people of Prince Edward Island, they have not done all that the province is entitled to. I am free to say that there is a strong feeling in the island in regard to public works which I hope will be recognized in the near future, but the people of Prince Edward Island felt this that whenever they raised any question and approached the Conservative government at Ottawa, that the heart of that party beat true not only to Prince Edward Island, but to every part of Canada, and that from time to time they were ready to give some very important concession to Prince Edward Island such as appeared to be due and when the time appeared to be ripe for it. I refer in this connection to the claim which was put forward on behalf of the island by myself, representing the provincial government, in the year 1886, and I might, if time would permit, read the Order in Council under which the matter was adjusted at that time.

The government of Canada passed an Order in Council setting forth that, owing to the isolation of Prince Edward Island, the province had not reaped much benefit from the railways which had been built in other parts of Canada, and on that account and as the policy for subsidizing railways had not been up to that time extended to Prince Edward Island, they placed $20,000 a year to the credit of the province. It was a fair and reasonable adjustment for the province at that time. Nearly ten years have passed since then and still the policy of railway construction has been going on all over Canada, and Prince Edward Island is still as it was then, and the time has arrived, in the opinion of the people of Prince Edward Island, when the matter should be taken up and considered again. But, while that has been the policy of the Conservative party not only towards Prince Edward Island but towards the rest of Canada, the Liberal party have been setting up as against that, that it is wrong and corrupt on the part of the government to offer subsidies to railways or enter upon the construction of great public works, because it is in effect bribing members or bribing the provinces. That has been the policy of the Liberal party in the past, and I have never heard that they have put themselves on record in any other form. The policy of the Conservative party is a Canadian policy, by building public works in every province to develop and promote the best interests of Canada. I might here, perhaps, be allowed to refer to another matter in which the government have done a very valuable service to the people of Prince Edward Island, and that is in the dairy industry.

Hon. Mr. POWER—What has that to do with railways?

Hon. Mr. FERGUSON—My hon. friend does not want me to go into this, but he has called for it himself.

Hon. Mr. POWER—The hon. gentleman is altogether out of order. He can give notice and go into the dairy question in Prince Edward Island when he pleases, but that has nothing to do with the railways.

Hon. Mr. FERGUSON—The hon. gentleman was good enough to say that the hopes which had been entertained with regard to the advantages the province might obtain through my becoming a member of the cabinet have not been realized.

Hon. Mr. POWER—The hon. gentleman does not quote me correctly. I said the advantages expected from the construction of these branch railways; I simply dealt with the question of railways.

Hon. Mr. FERGUSON—As my hon. friend now puts his words, and I accept the statement that he makes, and as he did not intend the statement to go any further than the branch railways, I forego what I was about to say with regard to the dairy industry. I will reserve that for some other occasion. It has been alleged that it is wrong and immoral to raise a question with regard to public works immediately on the eve of an election. With regard to that question I must say for myself, and I am sure I may say it for my hon. friend who has made this motion, that we have not raised these questions on the eve of an election. They are not questions of to-day or of yesterday: they are questions that have been before the people for many years, but the very gentlemen who are good enough to accuse my hon. friend from Murray Harbour they say I did not make promises about railways which is quite correct—but in accusing him they say he has been acting wrongly and that it is dishonourable to advocate the construction of railways or other public works when the elections are pending. This recalls to my recollection that in the year 1890, just before the last general election, in the last session of the last Parliament, a gentleman whose name has been referred to in this debate made a speech in Parliament in which he strongly advocated the construction of a branch railway in Prince Edward Island from a place known as Peakes Station on the main line of the Prince Edward Island railway to Wood Island breakwater. That speech was made before the election and the prominent attention which was called to that speech induced the people to call a meeting at a place called Caledonia in February, 1891, which I was invited to attend as also was Mr. Davies. The meeting was called for the purpose of promoting this railway which Mr. Davies had advocated. The people were strongly opposed to the route proposed. It would not have touched the Murray Harbour section at all, and would have been of little benefit to them. Mr. Davies promised them unequivocally that if he were elected to the House he would support the building of a railway from Southport to Murray Harbour. I was a candidate at that time, and the matter took such a shape that I made a similar promise, that if I were elected to Parliament I would do what I could to advance that project. Mr. Davies was elected and I was not, and yet during the four years that followed he never said one word in Parliament about that railway until the present session. It does not become the friends of gentlemen who have acted in this extraordinary manner with regard to that very question, to accuse gentlemen on this side of the House of bringing up this question on the eve of an election. The people of Prince Edward Island, I believe, are unanimous, from one end of it to the other, in believing that their interests would be best promoted by building those branch lines, and they are equally unanimous on another point, that whatever is due to the Province of Prince Edward Island with regard to branch railways shall be done in that way and not in the way of giving grants or increased subsidies to the provincial government. In 1887, when I was a member of the government, I expressed a somewhat different view. I have learned to know better since that time, although I then impressed the view that the local government should be considered in the matter; for I have found that the $20,000 a year which we then secured to the province was like a drop in the bucket of the extravagance of the Liberal government that is now charged with the administration of the affairs of that province. It is very much better that the government of Canada should deal with Prince Edward Island as they have dealt with other provinces in the matter of public works. I have no doubt the people of Prince Edward Island will leave this matter, as they have left other questions which

affect their interests, in the hands of the government of Canada and that they will be fairly dealt with.

The motion was agreed to.

## FISHERIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (67) "An Act further to amend the Fisheries Act."

(In the Committee.)

On clause 2,

Hon. Mr. PERLEY moved :

That all the words in the first clause after the words "Provided always" in the twenty-second and twenty-third lines be struck out and the following words substituted therefor :—

"That this subsection shall not apply until the first day of May, 1897, to any river, part of a river or mill as to which the prohibitory provisions of the second subsection of section fifteen of the Fisheries Act and of the subsection substituted therefor by section six of chapter fifty-one of the Statutes of 1894 had not been enforced prior to the first day of May, 1895, but shall so apply on and after the said first day of May, 1897."

The hon. Minister stated yesterday that what would apply to one mill would apply to another, and I want this to apply in that way in keeping with what I said yesterday. In place of giving power to the Minister to discriminate for the time being, it should be permanent, and this should apply to all mills and all streams alike.

Hon. Mr. ANGERS—During two years ?

Hon. Mr. PERLEY—Yes.

Hon. Mr. ANGERS—Oh no.

Hon. Mr. PERLEY—To all mills where it has not been enforced. I do not mean that it should apply to those where the law is enforced, but where it is not enforced I mean it should apply to all of them.

Hon. Mr. ANGERS—A portion of the amendment is in the right direction, but is too general to be accepted. There is no objection to extending the exemption to any river which is not exempted now, provided a case is made before the Governor in Council. I was told by an hon. member of this House, that there were streams which ran into the St. Croix River which had not to-day the exemption, but which were entitled to it owing to the special circumstances that it was not injurious to fishing, and not injurious to navigation, and I told him certainly that the Governor in Council would have no objection to extending the exemption to such cases, but that it should be upon a special request. Now the amendment proposed would apply this exemption to all the rivers of the Dominion.

Hon. Mr. POWER—Oh no.

Hon. Mr. SCOTT—Not at all.

Hon. Mr. McCLELAN—Only to those rivers where the law is not enforced.

Hon. Mr. ANGERS—Without there being any request it would apply. If I am wrong I will hear the explanation.

Hon. Mr. PERLEY—To all the rivers not at the present time under the operation of the Act I understood from the remarks made by the hon. gentleman that in two years we will do away with the saw-dust altogether. The argument was that the saw-dust did not hurt the navigation but made the rivers deeper. If that is the case, it compels small millmen to make provision to keep the saw-dust out of the stream when two years hence you will deal with the subject definitely. The amendment only makes the same rule apply to all the mills, the small as well as the great, and there is nothing about it. I understood the hon. Minister stated that this would be satisfactory.

Hon. Mr. ANGERS—The delay of two years asked for here, which I explained when I introduced the bill, is for the purpose of classifying the rivers and getting the necessary information. There are hundreds of rivers in the Dominion of Canada where the exemption would be perpetuated, because it does not affect navigation or fish life, and upon those streams the saw-mills should not be put under the obligation of burning the sawdust. That is plain, and I said that when I introduced the bill. The proposed amendment would go in the contrary sense, and I think the proviso in the bill meets the case in a better and fairer manner, leaving the discretion with the government of granting the exemption whenever a case is made out. If you apply it to all rivers, although in your opinion streams of little importance, you may be destroying fish

life to a great extent. Let me give you a few instances. Take the case of a tributary of the Cascapedia River, where there is no navigation and where there is very little fish life, but still it runs into the Cascapedia River, the most valuable salmon river in the world. If saw-dust were allowed there, it would be carried into the river and destroy the fishing for which the government is getting a large annual rent. Now would it be right to allow it in that instance? That is a case in point to show that the exemption should not be made in the sense asked for. Let me give you another instance on the opposite side. Take the Chaudière River, in the county of Beauce. It is a river where there is no fish life at all, except pike which is a fish of no value for the table. There are hundreds of small streams with fine water powers flowing into that river where the exemption may be granted and granted for ever without destroying either navigation or fish life. Therefore the House must see that there must be a classification of those rivers and I told the House the other day when introducing the bill, that the government was busy having their commissioner, Mr. Wakeham or Mr. Prince (my impression is it is Mr. Wakeham) investigating all those cases in Nova Scotia, New Brunswick and Cape Breton, and in Quebec and Ontario, so as to be in a position two years hence to come before Parliament with a classified schedule of all those rivers and show the House where exemption could be granted without doing injury either to navigation or to fish life. Under these circumstances, I think the proviso in the bill should be accepted by the House and that you should leave it to the Government, who hitherto have wisely exercised that discretion to declare when such an exemption should be given till 1897. By that time the Minister of Marine will be in a position to come before the House with a complete measure.

Hon. Mr. POWER—I think the hon. Minister has completely misapprehended the effect of the amendment which he so lavishly condemns. I shall read it, and if hon. gentlemen have copies of the bill before them they will see the meaning :

> That all the words in the first clause after the words "Provided always" in the twenty-second and twenty-third lines be struck out and the following words substituted therefor :
>
> "That this subsection shall not apply until the first day of May, one thousand eight hundred and ninety-seven, to any river, part of a river or mill as to which the prohibitory provisions of the second subsection of section fifteen of the Fisheries Act and of the subsection substituted therefor by section six, of chapter fifty-one of the Statutes of 1894, had not been enforced prior to the first day of May, 1895, but shall so apply on and after the said first day of May, 1897."

Now, hon. gentlemen will notice that this amendment does not propose to exempt all rivers. It proposes to exempt those rivers as to which the law has not been enforced up to the present time—to exempt those rivers for two years more, and then it goes on to say that the law shall apply on and after 1st May, 1897. It gives millers notice that where they have been exempt from the operation of the law they are to continue exempt until the 1st May, 1897, and that then the exemption ceases. I think that is a provision which should commend itself to the good sense of this House. I called attention yesterday to the objectionable nature of this provision that the Governor in Council must be applied to. If the law has not been in forced in the past as to any mill or any river why should the party interested be obliged to come to the government now and ask them not to enforce the law during the next two years? Yet, if hon. gentlemen will turn to the next clause in the bill they will see that any exemption granted by the Minister of Marine and Fisheries under subsection 2 of section 15 of the Fisheries Act and inforce on the 30th day of April, 1895, shall remain in force until the 30th day of June, 1897, unless sooner revoked by the Governor in Council. The amendment would make the law clear. There is no necessity to go to the government to see whether it shall be enforced. Parliament says it shall not be enforced, where it has not heretofore been enforced, until the first of May, 1897. I think it is a statesmanlike and reasonable proposition, and if I were a member of the government I should like to have Parliament take that position instead of saying "let everybody who wishes to have his mill exempted come to the government and get permission." Why should the government, who have other work to do, be tormented with such matters? I think this might be entitled an amendment for the relief of the government.

Hon. Mr. ALLAN—I cannot comprehend exactly the object of the amendment

that my hon. friend is proposing. As I understand it, the two clauses of the bill provide for two totally different cases. If I may take the second section first, it provides than any exemption already granted by the Minister of Marine and Fisheries meaning—I presume those exemptions which are at present inforce—shall remain in force until 1897 unless previously revoked by the Governor in Council. Then subsection 2, clause 1, provides in the case of any application which may be made for exemption, where the law has not been enforced that the Governor in Council shall have the power of exempting such streams. They are two different things.

Hon. Sir MACKENZIE BOWELL—This seems to me about as insidious an amendment as could be prepared. If this amendment is adopted, then you leave all the streams that are not prohibited in the same position as they are at present, and you leave all the streams which it is supposed the law does not apply to at present in the same position that they would be in prior to the passage of this Act. If I understand the law as it stands upon the statute-book, there are no streams exempt from the operation of the law. It is imperative, and no matter where the stream is, whether it be of the character to which my hon. friend on my right (Hon. Mr. Angers) has referred, where there are no fish at all or not, it applies to that just as well as it does to the tributaries that empty into the gulf or the streams that lead into the salmon rivers which are very valuable.

Hon. Mr. ALLAN—That is the law as it stands now.

Hon. Sir MACKENZIE BOWELL—Yes, it applies to every stream. The object of this law is to exempt by an order in council any river in which fish life does not exist to any extent, and where the emptying of saw-dust into the river would not injure fish life or navigation, and it enables the Governor in Council to say to the Ottawa mill-owners—because that is really the principal intention—that for two years they can continue throwing the saw-dust in as they have been doing in the past, and after that it will cease. That is really the object of this bill and if you pass this amendment you destroy the bill altogether.

Hon. Mr. SCOTT—I understood the purpose of the amendment was to exempt those streams where the law has not been enforced. It appears there are numbers of streams where they have got the exemption; at the same time the fishery inspector has not thought it worth while to enforce the law, as no substantial harm was done. The question was put to the minister whether those mills would be included, and he said: "Yes, all the mills," and I think it was echoed by the premier. I understand the object of the amendment is to include all those streams where the law has not been enforced.

Hon. Sir MACKENZIE BOWELL—You propose to strike out the proviso.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—"That all the words in the first section after the words, 'provided always' in the 22nd and 23rd lines be struck out and the following words substituted therefor." Then you deprive the Governor in Council of the power to exempt any stream to which the law now applies.

Hon. Mr. POWER—No, no.

Hon. Mr. PERLEY—No.

Hon. Sir MACKENZIE BOWELL—But I say yes. You exempt the streams on which the law has not been enforced in the past. Suppose there is a stream in some particular county to which the law has not been applied. You want to exempt that. That is very true, but you leave the Ottawa River just where it was under the law.

Hon. Mr. POWER—No, no.

Hon. Sir MACKENZIE BOWELL—What is the use of saying "No, no."

Hon. Mr. POWER—The law has not been enforced as to the Ottawa River.

Hon. Sir MACKENZIE BOWELL—But it will be. If the Ottawa River has not been exempt from the operation of the law at any time it is because the law has not been put into force. You might just as well say that if a man steals a horse and is not arrested and put in jail, that therefore, he is exempt from theft, it is precisely the same in this case. I do not object

personally, and I do not think my hon. friend does, to amending the bill if the House thinks that the proviso does not cover it. We would not object to the amendment on its merits, but it strikes out one of the principal clauses in this bill which gives power to the government to exempt those very streams.

Hon. Mr. SCOTT—If we could agree on a principle it would be easy to refer to the law clerk to have a proper amendment made at the next reading of the bill, so that it shall apply to streams where the law has not been enforced in the past, simply because it was not worth while and there was no injury done to the fisheries.

Hon. Mr. ANGERS—The meaning of the law is that it will apply to the streams where the exemption has been given so far and will cover cases where new exemptions may be asked for. Now, if the amendment which has been drafted by the hon. gentleman from Wolseley was adopted—I must compliment him upon the skill he has shown in the drafting of it.

Hon. Mr. PERLEY—I do not need any compliment. I meant to exclude the Ottawa River.

Hon. Mr. ANGERS—I know the hon. member is an experimental farmer and very successful in the west, but it strikes me he is also a very skilful draughtsman, and I think the amendment has been drafted with a very great deal of skill. He deserves my compliment if his object was to defeat the bill. If the amendment is accepted, the Governor in Council will have no right to prevent the throwing of saw-dust in the future into a stream where there is no mill to-day. Now that is the point. If you accept the amendment you declare all streams exempt.

Hon. Mr. POWER—Oh, no.

Hon. Mr. ANGERS—Yes, you exempt them all, and allow everybody to throw saw-dust in every stream and you do not provide for a case where a new mill is put on a stream where there is none to-day, and where it would be destructive to the fisheries if you did put a mill there. You make every stream and river exempt under your amendment, whilst it should be left to the discretion of the Governor in Council to declare in reference to such a stream whether the saw-dust shall be thrown in the stream or not. Under the amendment the Governor in Council would have nothing to say until after 1897 in reference to it, and after 1897 nobody would have a right to throw any saw-dust in the stream whether it was contrary to law or not. I think the proviso laid down in the bill should be accepted. I shall read it to the House, because I think the House has forgotten the ground it covers :

> Provided always that the Governor in Council may exempt from the operation of this subsection, wholly or partially, any stream or streams with respect to which he considers that its enforcement is not requisite in the public interest ; but no such exemption shall be granted or shall have any force or effect after the thirtieth day of June, one thousand eight hundred and ninety-seven.

Between this and then Parliament will have to deal with the subject, and the government will then be in a position to come here with a classification of rivers so as to declare which should be exempted and which should not.

It being six o'clock, the Speaker left the chair.

## After Recess.

The consideration of the bill was resumed in committee of the whole.

Hon. Mr. CLEMOW—Before the House proceeds with the consideration of the bill, I wish to call attention to a report of yesterday's proceedings which appears in this evening's *Journal*. I find I am given credit for making a speech in the following words :

> Senator Clemow, in renewing the discussion, said that, owing to the change of public opinion in Ottawa on the question, he would favour the present bill, which would exempt the operation of last year's bill for a period of two years.

Now, that is quite the contrary of what I did say. That speech was made by the hon. member from Ottawa, and I do not want to take credit for anything that he has said. I do not want to take credit for being able to change my opinion so greatly from one year to another as the hon. gentleman has done. I want him to have the full credit of it himself.

Hon. Mr. GOWAN—Since six o'clock I have been considering the amendments, and

while I feel very strongly on the subject of the bill generally and regret very much that this nuisance must be continued, I feel that the measure is for good on the whole and I should be sorry to see it defeated, as it must inevitably be, if this amendment be carried. The amendment is certainly couched in language that requires a good deal of study to understand. I have studied it during the interval and doubt whether I quite understand it yet. I think it was Talleyrand who said that language was given to man to conceal his thoughts. The best consideration that I have given to the amendment induces me to think that it is not one which should be accepted by this House, and although I feel very strongly upon the other point, I think it would be unworthy of me, if I failed to give to the House my conclusion after the best consideration I have been able to bestow upon the point since we last met. The difficulty to ordinery men in understanding provisions of law is over amplified expression—the number of words employed, and it has been suggested by some of those who have given most attention to the construction of law that the best process of arriving at the meaning is by eliminating as many words as possible. I have had before me since six o'clock the amendment to the proposed bill and the section in connection with it. Reducing both to the fewest words, to bring out their meaning, I would say the first section of the bill may be divided into two propositions : 1. It makes certain pollution of rivers and streams a penal offence, and provides for the imposition of penalties for commission of any act prohibited. 2. It enables the Governor in Council, in the public interest, to exempt certain streams from the operation of the law for a period not beyond 30th June, 1897. The amendment proposed does not touch the first proposition—but for the second proposition substitutes a provision, which may be shortly read as follows :—As to streams in which the law has not been enforced prior to the 1st of May last, the prohibition contained in the first prohibition shall not apply. Thus the amendment arbitrarily limits the penal clause to certain streams, and takes away all power from the Governor in Council to make any exemption or modification in respect to the numerous rivers and streams all over Canada—or lying between Canada and a foreign country. By the existing section and that proposed in the bill power is vested in the government (in the public interests) —to be brought into play at any time, and no government having regard to the objects of the enactment could accept such a position as the amendment embodies—it would be an abnegation of its functions. There the suggested amendment presupposes the government have exhausted its duties under the Fisheries Act in this particular, and has not, and cannot have, further information upon which it would be important, in the public interest, to have and exercise further the power of exemption ; which is contrary to the fact, according to the statement of the honourable the Minister of Agriculture, and he mentioned several instances. I could not feel free to vote for this amendment. In such matters, we must necessarily confide in governmental discretion, trusting it will be wisely and justly exercised in the spirit, and according to the true intent, of the law—exercised without fear, favour, or affection. I am against the bill only so far as it continues to exempt the Ottawa River, I am not disposed to kill it by this means, and so must vote against the proposed amendment.

Hon. Mr. POWER—It is pleasant to argue with the hon. gentleman from Barrie, even though one differs from him, because the hon. gentleman appears to understand the effect of the amendment. The hon. gentleman intimated that it was difficult to see the meaning of the amendment, and he gave us to understand that he had taken all the time since 6 o'clock to find out and put down just what it meant. Now, the committee will pardon me if I trespass on their time to indicate that the meaning of the amendment is not so very difficult to ascertain. The hon. gentleman is perfectly right in saying that the first portion of the enactment forbids certain things, and that a certain portion of the bill before the House gives power to the government to exempt, at their discretion any river or part of a river that they please, from the operation of the Act, up to the first of July, 1897. Let us take the law as it stands at present—section 6 of chapter 51 of the Acts of 1894, that is the law as it is at present. The first portion of the subsection there provides penalties, just as the first clause of the bill before the House does. Then the Act of last year goes on to provide that the penal provisions of the section shall not apply until on and after the first of May, 1895, to the saw-mill owners and the employees

of any saw-mill situated on any stream which is wholly or partially exempted from the operations of the section thereby repealed, so that up to the first of May of the present year all mills which had previously been exempted from the operation of those prohibitory provisions were exempted uner the Act of last year. The bill before us, which has come up from the House of Commons, makes this provision: as the law stands at the present moment, all those millers come under the prohibitory provisions of the first portion of this clause. The bill before the House provides that the Governor in Council may except from the operation of this subsection, wholly or partially, any stream or streams with respect to which he considers that its enforcement is not necessary in the public interest, but no such exemption shall have effect after the 30th of June, 1897, so it is left completely to the discretion of the Governor in Council to exempt any mill they please or refuse to exempt any mill at all. The Governor in Council may say to the owners of mills which have been exempted in the past that they shall not be exempted in the future. They can say that any mill-owner who has been obliged to comply with the law in the past shall not be obliged to comply with the law in the future. Is it a dignified position for Parliament to take to place such power in the hands of the Governor in Council? Parliament in its wisdom is supposed to settle the law, and we should settle it. We settled it last year, and this bill proposes to unsettle it again. The amendment strikes out the proviso which is in the bill before the House and says that this subsection shall not apply until the first day of May, 1897, to any river or part of a river or mill as to which the prohibitory provisions of the second subsection of section 15 of the Fisheries Act and the subsection substituted therefor by section 6 of chapter 51 of the Statutes of 1894 have been enforced prior to the 1st of May, 1895, but shall apply on and after the first day of May, 1897. That says distinctly that the prohibitory provisions shall not apply to any river or part of river or any mill as to which the law was not enforced prior to the first of May last. Take the case of the mills on the Ottawa River—the law has not been enforced as to them at any time. They were certainly exempt under the law of last year up to the first day of May, 1895, and they will be exempt under this amendment as clearly as anything can possibly be. Every mill throughout the country which has been exempt from the operation of the law will continue to be exempt; and further than that, it has happened in the case of some small mills in remote places that the law has not been enforced against them, the fisheries officers having either in writing or otherwise authorized the owners of these mills to keep them open. Under this amendment the law could not be enforced against those mill owners up to the first of May, 1897. That is a clear and reasonable proposition, and it avoids trouble for the government and saves those mill owners the necessity of coming to Ottawa, or corresponding with the department here, for the purpose of getting liberty to do what they have been doing in the past. The Minister of Agriculture said that one of the great objections to this amendment was that there might be some mill or river which had not been exempted in the past and which the government would like to exempt during the next two years, and the hon. gentleman said further that there was an officer out inquiring as to the characters of the different rivers, with a view to ascertaining as to which of the streams the law should be enforced, and as to which it should not. The hon. gentleman may have later information than I possess, but I am satisfied that the hon. gentleman's statement is not at the present moment correct. While the late Minister of Marine and Fisheries was in office he employed an officer who went around examining the different rivers in the maritime provinces with a view to doing what the hon. Minister says that Commander Wakeham is doing now, but when the change took place in the headship of the Department of Marine and Fisheries that officer was recalled and the examination discontinued. At any rate we have had this law in force in this form since 1868, and surely 27 years ought to be a long enough period to allow governments of both parties to find out as to what rivers the law should be enforced and as to what rivers it should not. Surely the hon. Minister does not want two years more, in addition to the 27 already expended in this inquiry. With a view to our own consistency, with a view to relieving the government of an embarassment which must be very painful to them, and with a view of relieving the mill owners of the country from all anxiety, we should pass this amendment.

Hon. Mr. SCOTT—While this discussion has been going on I have been endeavouring to catch the drift of the opinion of the House, and I think a very few words would express it and not disturb the government's policy in the slightest particular. The words which I propose to add are as follows :

Provided also that streams in reference to which the law has not heretofore been enforced shall also be exempt from the operation of this subsection up to the 30th June, 1897.

That is, I understand, what the minister said last night.

Hon. Mr. ANGERS—I expressed a willingness on the part of the government to grant any further exemptions that would be justifiable, but they have to be justified, and I have very serious objection to adding the words that the hon. member from Ottawa has just read to the House, because they would prevent the government forbidding the throwing of saw-dust, in case it should be found objectionable in the case of a new mill established in the future.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. ANGERS—The law has not been put in force where there are no mills at all.

Hon. Mr. SCOTT—You can put mills on streams if you like ?

Hon. Mr. ANGERS—Yes, but that would be very objectionable. I have given an instance from my own experience and knowledge—I mentioned the Cascapedia, of which the Escuminac River is a tributary. The salmon do not go up that tributary. There is very little fishing in it at all. A few salmon trout, perhaps, go up, which are always objectionable in a salmon river because they feed on the spawn. On the Escuminac River there is a most valuable water power, but there is no mill on it at present. If a mill was put on it to-morrow, under the proviso of the hon. member from Ottawa, the government could not prevent it, and you would be turning saw-dust into the Cascapedia River right where the salmon enter it. I have been there myself, and I know the place. It would be most objectionable, because you would be destroying 40 or 50 miles of the most valuable salmon fishing in the country.

Hon. Mr. POWER—The Escuminac has not been exempted.

Hon. Mr. ANGERS—No, but under that proviso it would be exempt. If a new mill was put up there we could not prevent them throwing in the saw-dust and you would be ruining the salmon river. I think the wording of this proviso, as it is, covers the case fully. The hon. member from Halifax stated that under the late Minister of Marine an officer had been inquiring about the value of the rivers, but that this is not being done now. I refer the hon. member to words uttered by the present Minister of Marine and Fisheries, the Hon. Mr. Costigan, as reported at page 2646 of the Hansard. He will see there that the same inquiry which was being made under Sir Charles Hibbert Tupper is now being continued. Of course, it is not continued from day to day, because Mr. Wakeham has other occupations. He is on the International Commission in relation to the fisheries between the United States and Canada on the Upper Lakes, and his work is not completed from day to day, but he is still vested with his mission, and as circumstances allow, the investigation will be going on. The hon. member can read the statement for himself in the debate on this bill in the other House. I do not see that the House has been offered an acceptable amendment. I quite agree with the hon. member from Barrie, and I must confess that he has acted with a great deal of generosity in this matter. Although opposed to the principle of the bill in itself he confesses that from his own interpretation—and it is my own also—if this amendment was accepted it would be practically a defeat of the bill.

Hon. Mr. SCOTT—I have altered the proviso that I proposed so as to make it read as follows :

Provided also that the existing mills on streams in reference to which the law has not heretofore been enforced shall also be exempt from the operations of this subsection up to the 30th June, 1897.

Hon. Mr. McMILLAN—That would not apply to new mills ?

Hon. Mr. SCOTT—Of course not. They would not have built mills for two years.

Hon. Mr. ALLAN—I cannot see the advantage of either amendment that has been proposed. As I understand this bill, both in the case of those streams which are exempted and in the case of the Ottawa River,

it puts a stop to those exemptions altogether in 1897. Then, with regard to this subsection 2 of clause one, it seems to me those amendments would have just this effect: My hon. friend said no man would put up a mill for two years, that is not altogether so improbable, but apart from that, if any change in circumstances should render it desirable in any way to limit this exemption with regard to any stream running into a salmon river, or in which it might be desirable to preserve the trout fishing it would effectually take out of the hands of the government the power of enforcing the exemption with regard to such streams. That is the effect it would have, and I do not see anything to be gained by it.

The committee divided on the amendment proposed by the Hon. Mr. Perley, which was rejected.

Hon. Mr. SCOTT—I now submit my amendment. I am quite prepared to put it in any shape that will be acceptable. There is this fact which is undeniable—that there are streams now in existence in the maritime provinces where the law has not been enforced, small streams where there has been no exemption because it was not thought worth while. This proposed amendment of mine applies to those cases and those only. The case put by the hon. senator from Toronto does not apply, for the reason that there are a number of mills on streams where exemption has not been applied for, but where from time immemorial the mills have been working with the knowledge of fisheries inspectors, and no action has been taken against them.

Hon. Mr. ALLAN—They would go on in the same way.

Hon. Mr. SCOTT—No; they would have to apply for an exemption and therefore I thought if the words were added:

And provided also that existing mills on streams in reference to which the law has not been heretofore enforced shall also be exempt from the operation of this section until the 30th June, 1897.

Hon. Mr. ANGERS—Let them apply for exemption.

Hon. Mr. SCOTT—The hon. gentleman said distinctly that the law would not be made to apply to those small mills.

Hon. Mr. ANGERS—My conversation was with the hon. gentleman from Hopewell. I said that the government would have no objection to granting exemption during that period of two years if application was made, but that the government should exercise its discretion in the matter. One may think the mill refuse is not injurious, and the officer of the department may think it is, and it is left to the discretion of the Governor in Council. In the past this discretion has been judiciously and wisely exercised and I think it should be continued for that period.

Hon. Mr. McCLELAN—I am in favour of some such amendent as this for the reason that I gave yesterday. No exemption was applied for in the cases to which I referred. They were small mills. I instanced a case in which a mill-owner was put to a very great expense through the temporary enforcement of the law. In many cases it is quite an inconvenience to mill-owners to go to the expense of making application for exemption. Where there has been no enforcement for years, I am satisfied that there will be no actual enforcement in years to come, and this amendment is simply to provide for those particular establishments that they shall not come under the operation of the law for two years, thus putting every one on an equality. You now propose exempting some ten or fifteen rivers besides those which have heretofore been exempted by Order in Council. Why not include those others which have not been under the operation of the law, because the law has not been enforced? However, the minister has assured me privately, and in his place in the Senate, that the enforcement of the law will not take place and that these people will not be put to the inconvenience that they might otherwise be subjected to by local fisheries officers.

Hon. Mr. ANGERS—If a thing is worth having it is worth speaking for. My answer is again that if there are such cases as the hon. gentleman points out, where it would not be injurious in the opinion of the Fisheries Department to fish life, let them apply for the exemption. That is plain enough.

Hon. Mr. MACDONALD (B.C.)—There are other things as important as saw-dust

We have had quite enough of that article for the last two or three days. There is another question of some importance, and that is the pollution of the rivers in British Columbia by the throwing in of offal. I suppose the Minister will be able to tell us what is the intention of the government with regard to the Fraser and other rivers, whether they are going to allow this offal to be thrown in ?

Hon. Mr. ANGERS—The hon. member for Victoria drew the attention of the House at the beginning of this debate to the fact that he now refers to a second time. The attention of the House was so much absorbed by the Ottawa River, and this bill has been so entirely discussed from the point of view of the Ottawa interest, that I really forgot to give the hon. member an answer to his question in relation to the throwing of fish offal into the Fraser River. Application had been made, I know indirectly, for the privilege of throwing into the river what is called the offal from the canneries. My present information is that the application has not been sustained, and I may tell the House that I think the practice is most objectionable. Fish offal is more objectionable than saw-dust, from the fact that it poisons the water and destroys the fish. On the Atlantic coast the fishermen who fish for cod are not allowed to cut and throw the offal into the ocean, or near the shore, for the reason that it destroys cod-fishing. On the same principle, I think that the offal should not be thrown into the Fraser River or any of the salmon rivers of British Columbia. My information is that on the Fraser River the offal every day amounts to 200 tons. That is an enormous quantity; it is established that during the good fishing season which lasts about six weeks—

Hon. Mr. MACDONALD (B.C.)—Yes, six weeks or two months.

Hon. Mr. ANGERS—that it amounts to about 200 tons a day. I wish to draw the attention of the Houss to the valuable industry that could be built up by establishing factories for making artificial manure of this offal. It is spoken of as likely to be used for that purpose. However I shall make it my duty to draw the attention of the Minister of Marine to this subject, and shall be in a position later on to give the hon. gentleman a definite answer, but I give him now my own personal opinion as to the objection to throwing fish offal into the river.

Hon. Mr. SCOTT—I withdraw the amendment if the sense of the House is not in favour of it.

The amendment was withdrawn

Hon. Mr. CLEMOW—I have an amendment to propose to subsection 1 which I do not think will meet with any objection; it is simply that the 30th April, 1897, be substituted for the 30th June, 1897. The sawing season only commences on the 30th May, and it is unnecessary to extend so late as June.

Hon. Mr. ANGERS—Is it worth while to amend the bill for that ?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. ALMON—If there is an amendment is there not a chance, at this late stage of the session, of its not passing through the Commons.

The amendment was declared lost on a division.

On clause 2,

Hon. Mr. CLEMOW—I move that all after the word "council" in the 36th line of subsection 2 be struck out, because it exempts the parties who have been violating the law—whitewashing them. They are to be relieved from the penalties incurred for the acts committed by them within the last two months in direct violation of the law. I do not think it is a correct principle. It is establishing a bad precedent, and I do not want it to be recorded on the statute that the people of this country disregard Acts of Parliament when they are in existence, and particularly so when the principal offender is is an adviser of Her Majesty in the Ontario Government. This House should denounce actions of that sort. This House will agree with me that that clause should be stricken out, and whatever penalties the mill-owners have incurred in the past should remain. No actions have been taken yet, but I do not want it to go abroad that this Parliament will countenance outrages of this kind to be perpetrated upon the people with impunity. Our people are law-abiding and support any law in existence, but we find these mill-men deliberately violating the

law and now we are asked to pass an Act to relieve them from the consequences of their conduct. I want a vote on this question, and if it is not carried in committee I shall be prepared to move this amendment on the third reading so that we may have a full vote of the Senate on this matter put on record. That is why I move the amendment now. There are legal gentlemen here who will tell me whether I am right or wrong in desiring that, as far as this Act is concerned, there should not be a condonation of those violations of the law.

Hon. Mr. ANGERS—The object of the clause is to relieve the parties from the penalties. The language of it is clear. There are two reasons for doing this; one I gave the other day, that when the Senate last year introduced an amendment to the Bill from the House of Commons, this House was not supplied with the necessary information; because if they had been they would not have introduced the amendment.

Hon. Mr. POWER—That is a reflection on the action of Parliament and it is very unparliamentary.

Hon. Mr. ANGERS—No, it is not a reflection on the action of Parliament last year, because, as I have explained, it came late in the session at a time when a number of the members of this House had gone and the subject did not receive the discussion and attention that it required. That is what I stated, and I give that as a justification for the mistake we made last year. That is one argument. I now invoke the action of the Senate. They have adopted the first clause by a large majority of this House. We have acknowledged that it was right that the exemption should be made. That is the case before us; yesterday we voted it, to-day we have adopted the clause, and that is the second reason. The third reason why the penalty should not be exacted is that previous to the penalties being incurred the Parliament of Canada was seized with this very bill which had been introduced in the House of Commons and which was under discussion there, and under the circumstances, when the people whom this law affects were informed that Parliament was proceeding with a bill to exempt them from the fines, is it reasonable to expect that they would have closed their mills to the great disadvantage of the public from the first of May until to-day? I leave it to the House to say, for those three reasons, whether it is not right that the mill-owners should be exempt from the penalties. That is my reason for supporting the clause of the bill and opposing the amendment.

Hon. Mr. GOWAN—The reason given by the hon. Minister does not commend itself to my mind. As I understand him, he says that parliament had acted hastily and made a mistake, but surely he will not say that the mistake of parliament could in any way excuse the mill-owners from violating a plain law with impunity. The second ground the hon. Minister gives for relieving them of those penalties is that the matter had been early brought up for amendment in the House of Commons, and that therefore the mill-owners might naturally suppose that the law would pass. I cannot see that the mill-owners had any right to conclude, because the matter was introduced in parliament, that it would therefore become law. That would be a very dangerous principle to lay down, and a very dangerous one for people to act upon. There was a law on the statute book and and it ought to have been obeyed. I do not think the fact that the matter was introduced in the House forms an excuse for the violation of a plain law. These men have violated the law and now it is proposed to indemnify them for their violation. The amount of the fine is not material to consider. As my hon. friend says, there may be no effort to enforce the collection of these fines but still you establish a precedent. I think that you violate a very sound principle in making a present to these gentlemen, as practically you do, of the amount for which they are liable.

Hon. Mr. POWER—The hon. gentleman from the Rideau division, in speaking of the improper action of a gentleman who happened to be a mill-owner and member of the Ontario government, omitted a very important circumstance, which I shall supply. Unless I am misinformed—and the Prime Minister or his assistant minister here can correct me if I am wrong——

Hon. Mr. ANGERS—There is no assistant minister here.

Hon. Mr. POWER—I am credibly informed that the Minister of Marine and

Fisheries gave these millers an assurance that the law would not be enforced as to that, and that this measure would be introduced. Adding this circumstance to the circumstances mentioned by the minister, I think it would be an unfair thing to take advantage of the fact that those gentlemen relied upon the Government and Parliament to do this.

Hon. Mr. ANGERS—The House was virtually seized with the bill previous to their incurring any large portion of the fine, if any at all, as I understand.

Hon. Mr. CLEMOW—The hon. gentleman said that last year, when the bill was before the House, there was a small attendance. My recollection is that there was a good attendance and it was pretty well discussed. He also says that the action of the Senate was not borne out by facts. The action of the Senate was borne out by facts elicited seven years prior to that. Every act was done with the full approbation of the Senate and the government, and not a step was taken without their concurrence. He speaks of the first clause being passed and that therefore the bill is to become law. It is not a law because we submit to it to-night. It is not a law until it receives the royal assent, and I intend to put a notice on the paper to take the sense of the House on those two points. It has not yet received the Governor's approval and those men are just as much at fault in violating the law now as they were a month ago. I think it is an outrage on this country. I am afraid if we continue legislating in this line, we will get the opprobrium that attached some years ago to the people in the south of Ireland. They say there that money and influence would relieve them from the penalty for any criminal act committed by them. I am sorry to see an act put on the statute book to exonerate men for breaking a law which they understood perfectly well. I know not whether the Minister of Marine gave them an assurance that they would not be interfered with, but I claim that he had no right to do so any more than I would have. Any assurance that he could give was as valueless as waste paper until it received the sanction of Parliament. Under all the circumstances the House will see that my proposition is a fair one, and that these men should remain under the condition in which they are at present, in standing before the public as violators of a law enacted for the protection of the interests of the great majority of the people of this country.

Hon. Mr. McCALLUM—I would say to the hon. gentleman from Rideau, that I was prepared to vote with him if he had divided the House the other night, but now I am opposed to him entirely. It would be a strange thing if this Senate were to punish the mill-men by taking a little money out of them. Surely we have not come down to that. It is very important to keep the Ottawa river open, but my vote will not be cast to punish these men and take money out of them, because there is no doubt they have been throwing saw-dust into the Ottawa for years, and thought they had a right to do it.

Hon. Mr. CLEMOW—It is not the money at all ; it is the principle that these men have been violating the law, and it is not right for us to relieve them.

Hon. Mr. VIDAL—It strikes me that as parliament has decided to adopt the principle of this bill, and as it will certainly be enacted into law, it would be a very strange kind of procedure to have the millmen subject to the penalty, when by passing the bill we acknowledge that last year we made a mistake and put on the statute-book a law which was not a good law, and which, upon further consideration, we now repeal. Surely it would be a necessary and logical deduction from passing this bill that it would be wrong to impose a penalty upon people who broke a law which we acknowledge to be a bad law that should not have been enacted at all. If you take away those words we give a chance to any person so disposed to make trouble with the millowners by taking action against them.

Hon. Mr. ANGERS—In principle, I agree with the doctrine laid down by the hon. member for Barrie, that those people have incurred the fine, and it is because of that doctrine that the government come now with this very bill to relieve them. The matter is not new ; we have already passed in many instances bills of indemnity. A man through misfortune may infringe the

law, but we do not cut his head off. Instead of doing that, we come to Parliament, influenced by considerations of equity and justice, and obtain legislation. As has been pointed out, we made a mistake last year; the language of the bill now justifies me in saying so, and should we subject those men to the spite of one or two people and have them liable to the penalty for ever? If we relieve them from the obligation we should also relieve them from the penalties which might be enforced through the spite and ill-will of others.

The amendment was lost.

The clause was agreed to.

Hon. Mr. OGILVIE, from the committee, reported the bill without amendment.

## BRITISH COLUMBIA RAILWAY BELT LANDS BILL.

### SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (M) "An Act for the settlement of certain questions between the government of Canada and British Columbia, relating to lands in the railway belt, British Columbia." He said: The House will remember that British Columbia granted to the Dominion of Canada a belt of land of 20 miles on each side of the Canadian Pacific Railway to aid in the construction of that line. The terms of union are to be found in extenso on page 88 of the statutes of Canada for 1872. Certain questions have arisen in connection with the handing over of this belt to the Dominion, notably with regard to the delimitation of the belt, the settlement of the title granted by the province and the question of the registration of patents issued by the Dominion Government. Negotiations, having for their object the clearing up of all points of difference, were suspended at the time of the death of the late Sir John Thompson, but have been resumed by the Minister of the Interior. Before proceeding further in the matter it is desirable that the minister should be invested with authority which will enable him to conclude an agreement with the province which shall have the effect of setting at rest all the questions in dispute. I will not weary the House with a statement of what those differences are, but I can explain in a few words the object of the bill. At the union of the provinces, when the Dominion agreed to construct the Canadian Pacific Railway, it was agreed, as part of the aid to be given to that railway, that the British Columbia Government should cede to the Dominion twenty miles of the territory or land on either side of the railway. Great difficulties have arisen in the delimitation of that belt, from the fact that it is so winding and crooked. To take the twenty miles following exactly the course of the road was found to be not only inconvenient but almost impossible. An agreement was entered into between the present government of British Columbia, the Minister of the Interior, myself, and another member of the Cabinet, by which the land to be ceded should be laid out in square blocks; that is, it will run to the north and to the south on either side, and it will be cut off in square blocks or townships as the case may be. In some cases it may not be over ten or twelve or fifteen miles from the line of the railway, while in other cases, perhaps, immediately adjoining that township it will run back to the twenty or twenty-five miles. This was the best and about the only means that could be adopted to come to an amicable settlement upon that question. Then there was another difficulty which has also been amicably arranged. It was the sale by the British Columbia Government of certain lands after the line of the road had been located. Under the terms of union the land lying within the twenty miles belongs to the Dominion. Take Revelstoke as an illustration. Had that place been sold previous to the location of the line, the government of British Columbia would have been entitled to the proceeds arising from these sales. A dispute arose on that question, which was taken to the courts, and the courts decided against the British Columbia Government. The British Columbia Government and the Dominion have come to an arrangement. The Dominion Government does not exact what might be considered the full value of the town lands and other lands, at the present moment, but they have agreed to accept from the British Columbia Government the amount which they received for the property at the time they sold.

Hon. Mr. MACDONALD (B.C.)—That is the Revelstoke lands?

Hon. Sir MACKENZIE BOWELL—Yes, it applies to all in case there are any others. Another difficulty arose : when the Dominion Government contested this point with the British Columbia Government, they refused to register any titles t' at were given to the lots in Revelstoke in their registry office. They have agreed now, under this settlement, to treat patents given by the Dominion Government in the same manner as they do their own. The latter clause gives power to settle any other difficulty arising in the settlement of this great question. The third clause provides :

3. Any agreement so entered into may make such provision as may be thought proper for the settlement of controversies and claims arising out of grants made by the government of the province of lands in the railway belt after the line of the said railway had been finally settled.

Then it gives power to the Governor in Council to ratify the provisions of any agreement entered into in pursuance of this act. That is about the principle of the bill and I think the House will recognize the importance of passing a bill of this kind to legalize and put beyond all future dispute any question as to which a settlement may be come to between the parties.

Hon. Mr. MACDONALD (B.C.)—There is a very important question which I lost track of, and that is the question of the royalty or sovereignty of that belt. If the province gives a grant of land to me, the sovereignty remains in the province, but the province having given a grant of land to the Dominion, where does the royalty lie? I believe this question arises on account of the minerals in Kootenay. Who collects the revenue for the mining license within the railway belt?

Hon. Sir MACKENZIE BOWELL—I speak under correction in answering that question, but if my recollection serves me right, the law lords of the Privy Council decided that the minerals belong to the province.

Hon. Mr. LOUGHEED—The precious metals ?

Hon. Mr. SCOTT—Precious metals only.

Hon. Sir MACKENZIE BOWELL—The precious metals belong to the province and not to the Dominion, precious metals which may be situated in the 20 miles belt. So far as the Kootenay is concerned, that belongs to the province of British Columbia, because it is beyond the 20 miles.

Hon. Mr. MACDONALD (B.C.)—So that the royalty of the belt belongs to the province still?

Hon. Mr. SCOTT—No, the precious metals only.

Hon. Mr. MACDONALD (B.C.)—That is the chief thing. Coal does not.

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—The coal and the base metals were held by the Privy Council to be vested in the Federal Government, and the precious metals in the province.

Hon. Mr. MACDONALD (B.C.)—I think the plan adopted is a very good one for laying out the reserve. Of course the line is so full of sinuosities that it would be difficult to have two correct lines throughout.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MACDONALD (B. C.)—There is only one better way and that is to relinquish the whole belt to the province. That would be the simplest way out of the difficulty. I suppose the administration of those lands costs the government more than they get out of them. It would be a very simple matter to hand over the whole reserve and let the province make their own surveys and arrange other matters. However, I suppose that is something to be thought of hereafter.

Hon. Sir MACKENZIE BOWELL—Perhaps we might do in this case as we did on a former occasion, give the 20-mile belt and take in exchange part of the Peace River district which lies east of the Rocky Mountains and is within British Columbia. The hon. gentleman will remember that we did receive two or three million acres of land in that section of the North-west Territories, and the suggestion made by the hon. gentleman might possibly be advisable —we might take the balance of the land that lies east of the Rocky Mountains be-

longing to British Columbia up to the Peace River district and give British Columbia the rocks.

Hon. Mr. MACDONALD—Yes, that might be done.

The motion was agreed to and the bill was read the second time.

## THIRD READINGS.

The following bills passed through Committee of the Whole without amendment, and were read the third time and passed :—

Bill (113) "An Act to amend chapter 10 of the statutes of 1892 respecting the Harbour Commissioners of Three Rivers."—(Sir Mackenzie Bowell.)

Bill (122) "An Act further to amend the general Inspection Act."—(Sir Mackenzie Bowell.)

## PUBLIC WORKS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (123) "An Act to amend the Public Works Act."

Hon. Mr. PERLEY, from the committee, reported the bill without amendment.

Hon. Sir MACKENZIE BOWELL—I will let the third reading stand until to-morrow, until I ascertain whether the word "works" covers land as well as buildings.

Hon. Mr. ANGERS—The French edition does not agree with the English version.

The third reading was fixed for to-morrow.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Thursday, July 4th, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## BANKERS' LIFE ASSOCIATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (26) "An Act to incorporate the Bankers' Life Association of Canada." He said : It appears from the minutes that the previous report was concurred in with the exception of the name. That was the only reason it was reported back to the committee, and the committee have now substituted the word "Merchants" for "Bankers." If the House approves of that name there is no reason why the report should not be concurred in at once.

Hon. Mr. LOUGHEED moved that the report be concurred in.

The motion was agreed to.

## THIRD READINGS.

Bill (81) "An Act to incorporate the Ontario Accident Insurance Co."

Bill (90) "An Act respecting the Oshawa Railway Co."—(Mr. Dobson.)

## THE MONTREAL HARBOUR COMMISSION.

INQUIRY.

Hon. Mr. DESJARDINS—In the *Gazette* of this morning I notice the following :—

THE MONTREAL HARBOUR WORKS.

Messrs. Hy. Bulmer, Andrew Allan and Mayor Villeneuve, of the Montreal Harbour Commission, were to-day in connection with harbor matters. They had an interview with Mr. Ouimet, Minister of Public Works, who is earnestly endeavouring to meet the wishes of the commissioners, as well as with the Finance Minister. It is desired to obtain from the government an advance of $500,000 on harbour 4 per cent bonds for the purpose of prosecuting the plan of harbour improvement now in hand, and an early answer to the request is requested. The report of the engineers who recently examined plan No. 6, although not yet made public, is understood to favour its execution with some slight modifications.

I have been asking for documents lately in relation to this subject, and it is very important that they should be laid before the Senate, so that members can have them when the question comes before the House, as there is a difference of opinion on the question of plan number six, and I should like to know what they will do.

Hon. Sir MACKENZIE BOWELL—I saw Mr. Bulmer in the corridor yesterday, but he did not intimate to me what his reasons were for visiting the city. He

might possibly have had an interview with the Finance Minister, perhaps with Mr. Ouimet, but of the result of that interview I have no knowledge. I regret very much that the papers have not been brought down at an earlier date so that my hon. friend could see them in order to enable him the better to discuss this question, but I will make inquiry immediately and try to hurry them up.

## FISHERIES ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. ANGERS moved the third reading of Bill (67) "An Act further to amend the Fisheries Act."

Hon. Mr. CLEMOW—I gave notice yesterday of some amendments which I intended to propose to this bill, but I presume it is unnecessary to continue my opposition any further. I regret that there has been so much discussion on this subject, and I have no desire to prolong it. I only hope that the evidence which has been submitted to the House will have the effect of putting an end to this saw-dust nuisance in the near future. I was compelled, by force of circumstances, to pursue the course that I have followed for some years in relation to this question. The Senate took up the matter some nine years ago and came to a deliberate conclusion that something should be done to relieve the public of a nuisance which was becoming intolerable. I think the Senate will recognize the fact that I have performed a public duty in this matter. I only regret that some action was not taken years before. It is unfortunate that the report of a committee of this House on the question had so little effect. Their views ought to have had considerable force, particularly in the Senate, composed as it is of men who are able to give a calm deliberate judgment on matters affecting the general interests of the country. I hope that the government will take the matter into their consideration and that such arrangements will be made as will put an end to this serious evil. I know from personal experience that this section of the country is suffering very severely by the depositing of saw-dust in the river, and on that account we are perfectly justified in the steps we have taken to remedy the evil. Two years will soon pass over, and then we will see whether those millmen have any idea of meeting the views of parliament. I hope that the government will have sufficient backbone to see that they do, but unless they put on the screws in the meantime, the millmen will make no change and we will find them going on in the same way with a constantly increasing evil. It would be a lamentable thing if, after all the efforts which have been put forth to put a stop to the nuisance, we should find ourselves no better off at the expiration of two years. The government no doubt heve faith in the millmen, but I frankly say I have none at all, and my opinion is that they have not the slightest intention of making any change until they are compelled by some power greater than any that exists today. It seems that they can transgress the law with perfect impunity ; they will always have influence enough to secure protection from the consequences of their acts. I apologize to the Senate for having taken so much of their time in the discharge of a duty which was an exceedingly disagreeable one to me. I have done my best in the public interest, and while the result may not be satisfactory to me, I hope in the end it will be satisfactory to the country. At all events, I shall take steps to let the public know the facts of the case and the extent of the nuisance, after the close of the session.

Hon. Mr. ALMON—I cannot allow the third reading of the bill to take place without an expression of the regret which I feel, and which I am sure is shared by many members of this House, that I have been obliged to take a different view of this question from that of the hon. gentleman from Rideau. I have no doubt he has been influenced by the most conscientious motives. Necessarily he must have made enemies for himself amongst the mill-owners with whom he has social intercourse, and he deserves great credit for the pertinacity with which he has pursued what he thought was the right course. Many of us agree with him that the sawdust in the river is objectionable for many reasons, but we cannot close our eyes to the financial injury which would take place to the owners of the mills, to their employees and to the country generally if this bill were not allowed to become law. I have been obliged to vote against the hon. member, but in doing so I can assure him of the personal regard which I have for him.

The motion was agreed to, and the bill was read the third time and passed.

## PUBLIC WORKS ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (123) "An Act to amend the Public Works Act." He said: I find on reference to the interpretation clause of the Public Works Act that the term "public work" includes work or property under the control of the government. Hence the wording of the bill is correct.

The motion was agreed to, and the bill was read the third time and passed.

## SECOND READING.

Bill (124) "An Act further to amend the Act to readjust the representation in the House of Commons."—(Mr. Angers.)

## BRITISH COLUMBIA RAILWAY BELT LANDS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (M) "An Act for the settlement of certain questions between the government of Canada and British Columbia relating to lands in the railway belt, British Columbia."

(In the Committee.)

Hon. Mr. POWER—I rise for the purpose of asking whether there has been any legislation in the past in connection with this matter. It seems to me there must have been. There is no reference in the bill to any such legislation, and if there has been legislation in the Parliament of Canada there should be some mention of it and the bill should be drawn with reference to that legislation. Is it possible that all the agreements have been made on the part of Canada without legislation?

Hon. Sir MACKENZIE BOWELL—Under the terms of union, it was necessary for the British Columbia legislature to legislate in order to transfer to the Dominion the 20 miles belt on either side of the Canadian Pacific Railway. That legislation did take place. I referred to that last night when introducing the bill. On reference to the statutes of British Columbia, it will be seen that there was granted to the Dominion of Canada, the 20 mile belt. The terms of union, in which it is provided that the Dominion shall construct the Canadian Pacific Railway through the Rocky Mountains to the coast, provided that this 20 mile belt should be conceded by British Columbia as a bonus, if I may so term it, in aid of the construction of the railway, and the British Columbia legislature granted that belt by an Act of Parliament. This Bill is simply to enable the Government to define the line of the territory which we are to receive on either side of the road and also to provide that they shall register the titles which we may give to lands situated within that belt.

Hon. Mr. POWER—As I understood the First Minister, one of the objects of this legislation is to enable the government of Canada and the government of British Columbia to agree that the lands need not be necessarily situated on either side of the railway but may be of different widths in different places. It would be well to have the British Columbian Act before us to see if it contains provisions as to the way the land should be laid out,

Hon. Mr. MACDONALD (B. C.)—After this Bill becomes law the British Columbia legislature will pass an Act confirming the bargain and that will settle the whole matter.

Hon. Mr. SCOTT—There has not been any legislation on the subject, but there has been a vast deal of litigation which has been going on for a great many years. The Federal Government undertook to sell lands and the British Columbia Government desired to save the pre-emptive right of a number of parties who had settled on this land. Unfortunately, the two governments had not had that proper understanding that they should have had on the subject. The British Columbia Government disputed that the railway belt took anything more than the surface of the land. That question had to go to the Privy Council. The British Columbia Government passed an Act at their last sitting, in February, in which they give very similar powers to their Governor in Council and they declare, just as this bill declares, that the agreement made between the Governor in Council and the Governor

General in Council shall have the binding effect of an Act of Parliament. It also stipulates that some 45,700 acres that the British Columbia Government had sold shall be exempt from this land, and that an amount *pro tanto* is to be allotted to the Dominion Government from land outside. I quite approve of the way that it has been settled, because it would have cost more than the thing is worth to make the surveys as the winding character of the railway required, and therefore a very proper limitation is being adopted in making parallelogram blocks on each side. The provisions of the British Columbia Act are similar to those in the bill before us except that there is no reference to the 45,700 acres, which I do not think is necessary, because it was understood that the British Columbia Government were to get a title to that in order to give titles to those in occupation. The Act also provides that the Order in Council of the British Columbia Government shall have the effect of an Act of the provincial legislature.

Hon. Mr. LOUGHEED, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## BILLS INTRODUCED.

Bill (91) "An Act to amend the law respecting the Lobster Fishery." (Sir Mackenzie Bowell.)

Bill (134) "An Act to legalize payments heretofore made to the general revenue fund of the North-west Territories of certain fines, penalties and forfeitures." (Mr. Angers.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 5th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (97) "An Act respecting the Clifton Suspension Bridge Company."—(Mr. Lougheed.)

Bill (26) "An Act to incorporate the Bankers Life Association of Canada."—(Mr. Lougheed.)

Bill (24) "An Act further to amend the Act to readjust the representation in the House of Commons."—(Mr. Angers.)

## THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. SCOTT—The session is drawing to a close and many members are anxious to know if we are to have any more important legislation, particularly with reference to the Manitoba school question?

Hon. Sir MACKENZIE BOWELL—I think I shall be enabled to give the House definite information upon the particular point to which the hon. gentleman has called attention at the opening of the session on Monday. I may intimate that there will be no new legislation of any importance that I am aware of in addition to that which is already before the two branches of Parliament this session.

Hon. Mr. SCOTT—Do I understand that the government have not yet decided upon the legislation with regard to the school question?

Hon. Sir MACKENZIE BOWELL—I do not think I gave any intimation as to whether they have decided or not. I said I hoped to be able on Monday to give the House definite information as to what course would be pursued by the government. My reference to other legislation meant to other than that to which the hon. gentleman referred.

## LOBSTER FISHERY LAW AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (91) "An Act to amend the law respecting the Lobster Fishery." He said:—Before this bill is read the second time, perhaps I had better give a short explanation as to what is proposed by this bill. The changes are not of a very important character in one sense, but they may be important to those engaged in the trade. The license for canning is still maintained in the proposed bill. The law, as it stands now, imposes a uniform

fee of $10. The bill proposes to have the fee graduated in this manner: A graduated fee of $2 for 100 cases, each case to contain 48 1-pound cans. A factory putting up 200 cases, $4; 300 cases, $6; 500 cases, $10; 800 cases, $16, and any fraction of 100 cases will pay $2; hence, 250 cases will require a fee of $6. It makes this distinction, instead of charging each factory a fee of $10, the amount is graduated in the manner which I have indicated. The present law provides that lobster traps shall have laths or slats one inch and a half apart. The present bill does away with that restriction as to the size of the slats, for the reason, as I am informed, that it is a matter of no consequence what the size of the slats is, and it is better not to hamper the trade in that respect. At present, the boats and gears must bear the owner's name and number of the boat. The department has found that that regulation is somewhat onerous on the small boats engaged in this trade, and hence there is a clause to repeal that regulation, particularly as we are dealing in this bill with the lobster factories and not the fisheries, except in regard to the placing of the name and number upon each boat that is used in the business. The present law provides that a case must bear the official stamp with the name, address and year of the packing before being removed from the country. The House will remember we had a long discussion upon that question some one or two sessions ago. It has been found that to exact full compliance with this would be detrimental to the trade in foreign countries. The present law provides that the cases must bear official stamps, but without the particulars which I have indicated, of the name of the packers and the year in which it is packed. That portion of the clause is repealed. The department has come to the conclusion that in the interest of the trade a stamp placed on the package indicating that it has been properly packed at the proper season and in good order, is quite sufficient. I do not mean to say that it is fancy, but people purchasing in another market think that lobsters which may have been canned one or two years would not be as good as those which were canned the year in which they are placed upon the market. It is contended, however, that if they are hermetically sealed, so that the air cannot reach the fish and if they have not been exposed to the sun, that the lobsters are just as good as if they had been packed only a month or two before. I believe the department has come to this conclusion, after a good deal of investigation, and upon the recommendation of the scientific men that they have employed in that department. Clause "*a*" gives power to the Minister to permit cases to be removed from one factory to another before they are stamped, and it is to meet the case of where those engaged in the business have two or three small places in which they do packing, and one large one, they can all be taken to the larger factories and there finally packed and labeled. Number 6 provides that when lobsters are imported from any other country they must bear a special stamp, which is specified, as being imported. Other parts of the bill are the same as the law now upon the statute book. In brief, the special points in the present bill are graduated fees, a stamp sufficient for the purposes of the department, but bearing no name, address or year of packing, which has been found to be objectionable to packers and not necessary in the interests of the trade.

Hon. Mr. POWER—From the very hasty examination, I have been able to give the bill, I am inclined to consider it rather an improvement on the present law. The general tendency of the bill is in the direction of less interference with the trade than there has been under previous legislation. There is just one point as to which there may be some question. Hon. gentlemen will remember that when the bill to amend the Fisheries' Act came before this House last year, it contained a provision with respect to the marking of packages of lobsters which was deemed objectionable, and an amendment was made by this House which required that every case or package should be stamped with the name of the packer, and with the year in which the packing took place. Instead of that now, there is to be a stamp—not such a stamp as was required by the bill of last year, but something in the nature of a postage stamp—a stamp which costs two cents, and the packer simply puts one of those stamps on the outside of the case when it is packed. Probably we shall have time to consider this before the bill goes into committee, but there is some doubt as to whether it is a judicious thing to say that the packer shall not be obliged to put his name

on the article which he puts up. I dare say it will be more advantageous to the packer not to put his name on, but in the interests of the consumer and the public, I am disposed to think it would be better that the name of the packer should be on the case. A packer will not put his name, as a rule, on inferior fish, and any one who buys canned lobsters would look upon the name of the packer as being a guarantee of the quality of the fish in the package. I see the force of the statement made by the first Minister that there is some objection to putting the year of packing on the package, because where the can is properly sealed the fish will remain good for an indefinite period, and perhaps the putting of the date of the packing on the package might unduly injure the sale of the goods. My present impression is that the name of the packer ought to be on the package. It may be that when we go into committee my view will be changed.

Hon. Mr. KAULBACH—There being packing done within a few miles of where I reside, I know this bill will have the approval not only of the packers, but also of those who catch the fish. It was an inconvenience to many of our fishermen to be required to have their gear and boats and traps marked, named and numbered, and it had no beneficial effect. I have doubts as regards the regulation respecting the date and the name of the packer. My impression is that age does deteriorate the fish in the cans. Some years ago some cans were left in my cellar which were forgotten. They were there five or six years and when they were taken out they were not fit for food. It may have been due to bad defects in the sealing or the quality of the tin, but I think it was rather from age. I am under the impression that cans should be marked with the name of the packer. Every man who packs fish should take a pride in putting up fish of good quality. There are three or four packers in the county of Lunenburg, and I know one especially that I preferred canned lobeters done up to all others. The public, the consumers, will be at a loss hereafter to discriminate between that company's packing and the others, unless they have a registered made work. Therefore, I say that we should have the name of the packer and the date of the packing. In every other way I think the bill is an improvement.

Hon. Mr. PROWSE—It is rather unfortunate that this industry should be legislated for and upon so very often as it has been of late years. Almost every session we have a bill before us making alterations with a view to improve the law in reference to this fishery. Notwithstanding all that, the experience of packers is that the industry is becoming less remunerative every year, and it is only a question of time, and that a very short time, when the industry will become unprofitable altogether. I do not think it is possible that lobster packing will exhaust the fish, but I believe in a short time it will exhaust and ruin the packers. It is not the competition so much as the reduction in size of the lobsters still found in our waters. The lobsters are very productive and have a better instinct in preserving their young in a successful way than any other fish, as they carry about the spawn with them until they become animated from the shell. Their instinct induces them to seek shelter under rocks, where other fish, especially made to live upon the spawn of others, cannot get at them. The large amount of fishing carried on around our coast is using up all the large and profitable lobsters, and there is scarcely anything but the small unremunerative lobster to be canned. These are being canned. One packer says "I may as well carry on the business as my neighbour, as long as I can." I have had some experience of the business having managed lobster canning establishments for some years. The lobsters are smaller in size than they were, and the recommendation is made to try the experiment of fishing in the fall of the year instead of the spring. I have not much faith in this suggestion. I do not think it would be profitable for the packer because the fall storms come on and loss would be incurred by the destruction of traps and ropes and so on. If the traps were put in the water then, it would exhaust the lobsters as rapidly as it would in the spring, or more so. A great mistake has been made by the department in extending the season 10 days. That is calculated to injure the fishery to a large extent—not only that, but to destroy confidence in the markets abroad. I have to refer to another matter which is an injury to the industry, and which no doubt the government has adopted with the best intention. They have established a sort of fisheries

department through the provinces to give reports of the extent of the success of the fishing throughout the province, and if you will look at those reports you will see invariably that during the first part of the season lobster fishing is reported very good indeed —very good on the north side of the island, very fair on the west side, middling on the south—on the whole good, but at the end of the season it has been found that the fishing was less remunerative than ever. We sell very little lobster in Canada. Most of it goes to Great Britain and the United States, and these reports go there also and are read, and it has a very bad effect on the speculative markets because when the wholesale buyers, jobbers and speculators see the reports of large quantities of lobsters being taken, it limits the demand and there is no inclination to go into speculation. I think the reports from those departments are doing no good but a great deal of injury to the trade. I believe the remedy—and it is well to express it here in order that it may go to the country and be read—is to close down the lobster packing industries altogether for one year out of every four or one year out of every three. I say this from my experience some years ago when I was managing two lobster factories. In operating one factory there was a loss in the operation during one year of $800. The result was I closed up that factory for one year. The season following it paid very well and continued to pay well for years afterwards. It gave the lobster on that part of the coast a chance to grow and increase. That has been my experience, and I think the suggestion is worthy of consideration, if it is going to benefit the industry, that they shall close down every third or fourth year, but before doing so there should be one year's notice given to the packers, in order that they may use up their cans and material on hand. One remark in reference to what was said by the hon. member from Lunenburg respecting the deterioration of canned lobster and the necessity of putting the names of packers and the date of packing on the cans. I believe that a can of lobster thoroughly and completely hermetically sealed, excluding the air altogether, will remain as good as when it was packed until that can becomes leaky by the can rusting. Then the air has an opportunity of getting into it and it soon becomes bad. The can itself is made of very thin tin. As the can becomes rusty and the air gets to the fish, putrefaction takes place in a short time. The hon. member kept his lobsters in the cellar, which is just the place to produce those conditions. The lobsters may be put up in first class order and become worthless in a short time in the cellar. The length of time it takes depends entirely on the thickness of the tins.

Hon. Mr. SCOTT—Has not temperature something to do with it?

Hon. Mr. PROWSE—I do not think so. No doubt a damp place has. With reference to putting the name of the packer on each can, the jobbers, speculators and wholesale dealers in lobsters do not depend so much on the name or label on the can as the sampling they have to do, and the rule in most markets that I am acquainted with, especially in the old country, is that one box out of every ten is opened and a can here and there is taken out and examined, and perhaps every tenth box out of 200 or 500 will be served in that way and the deductions made from them will be in proportion to the number found spoiled. You may find one or two out of 100 that are perfectly useless and valueless, not on account of the incapacity of the packer, but simply because of some defect in the tin which nobody could have detected. Nobody can prevent it except by using great care in securing and buying the very best of tin, so that placing the name on the boxes and cans is not guaranteeing that the material is in first class order.

Hon. Mr. POWER—Does the hon. gentleman think that a respectable packer would put his name on a poor article?

Hon. Mr. PROWSE—No, I do not think that a respectable packer would put his name upon a poor article at all, but a respectable packer may have his name placed upon a worthless rotten can and not know it, and through no fault of his own, but through the fault of the tin-maker, who is in the old country or wherever the tin is made. It is found from experience that these packers put up from one to two and three thousand cans a day. There is a certain proportion of the cans which are not completely hermetically sealed: they have a small leak in them. They are laid aside, and in a short time you can ascertain whether

there is a leak or not by the sound of a nail on the can. If the leak is discovered before the fish begins to deteriorate, the leak can be stopped, and the fish preserved, and it is all right, but there may be some defects in the tin which it is impossible to detect—holes much smaller than the point of a pin, because these very cans after they are packed are subject to a severe test in boiling water, and the air is excluded from them; they are laid aside in a pile for some days and then they are retested carefully again and some leaky cans will be found among them. Those that are found to be good and sound are shipped away. There may be an odd can here and there amongst the rest which it is impossible to detect in time, which would very soon become a worthless article, perfectly unbearable as far as the stench is concerned—an article which no packer, good or bad, would ever think of putting on the market if he knew it.

Hon. Mr. ALMON—I should be very sorry indeed to see the practice of having the name of the packer on the lobster cans done away with, or that the date of the packing should be taken off the cans. I am convinced of the necessity of the packer's name being on by the remarks of the hon. member from Prince Edward Island. He tells you the care which should be taken, and therefore that makes it more necessary that the name of the packer should be put on. The goods put up by a packer who takes all care with his work, will command a better price in the market and everybody will know that he is more likely to send out a good article to the world than the others. In Halifax I know of a man who used to inspect fish, and salmon was generally given to him to inspect. The salmon which had his brand on commanded higher prices in the United States, and was more easily sold. I do not agree with the senior member for Halifax in thinking that age does not injure the lobster in the cans.

Hon. Mr. POWER—I did not say that

Hon. Mr. ALMON—Well, I disagree with the statement that age does not injure the lobster in the can even though air is excluded. We have frequently seen fatal cases of poisoning from eating lobster in which there is a change. However hermetically sealed the cans may be, the poison may permeate. Those who believe in microbes will understand that the germs of decomposition may get into the fish and it takes some time for them to generate; the fresher the fish, the more valuable it is as an article for food. I remember some remarks made by the Hon. Sir Frank Smith, on the subject of canned articles of other articles but which bear on the case. He explained how necessary it was to have the articles dated properly, and if that was necessary in the case of the article to which he alluded, it is also necessary in the case of fish where there is poison. As long as I have been in the medical profession, I never understood exactly what occasioned the poison; and what was more important to the person who was poisoned, I never understood exactly what would do him any good after taking it. Therefore, I should be sorry to see any alteration in those two directions.

Hon. Mr. KAULBACH—It may be as the hon. gentleman from Murray Harbour supposes, and I yield to his practical knowledge, that the fish to which I referred were injured in consequence of defect in the tins; but that is a greater reason why the name of the packer and the year should be on the tins, because then the packer will use a better quality of tin, and if a person cannot judge of the quality of the tin, he can judge from the time it has been packed, and know whether it is safe to purchase such a can. Therefore I think the argument of the hon. member is strongly in favour of the name of the packer and the year in which it was packed being placed on every tin. As regards what he said about having a close season I would approve of it in theory, but we know that along our shore the poorer class of fishermen depend almost entirely for their living on their catch of lobsters and it is a short season. Some of them are aged people, others are young people who are not fitted to go out to sea in their boats, and they occupy themselves with their fish baskets catching lobsters, and it certainly would interfere with their every day living if they were deprived of an entire season's fishing. I would rather see more stringent rules as to the size of the lobsters if that can possibly be done. If you can make our fish wardens or inspectors see that none are caught under the regulation size, then there would be no necessity for the close season, but the trouble is they are

caught and will be caught less than the size regulated. The men along the shore who catch lobsters very late in the autumn, send or take them fresh over to the United States and by that means evade detection of the size of the fish. The price is high and the temptation is to catch any and all lobsters and send them over to the United States where they can get a good price for them. Late last autumn a large quantity went over to Boston from the county of Lunenburg, and they were found there to be under the size the regulation requires for the state of Massachusetts. I think they required the lobsters to be one and one-half inches larger and the result was they were confiscated and the penalty was so great that no person would claim to own them, and they were all dumped into the water. That stopped the catching and sending to the States of the small lobsters below the size. So that if the government will see that the regulation as to the name of the packer and the year in which it is packed is enforced and that no lobster is allowed to be taken under the size, our lobster fishery will be protected. We sometimes catch large lobsters. Three pounds is a large sized lobster. I saw in the paper the other day—and it has been verified—that a lobster was caught weighing 13 lbs. That is an extraordinary one, and when my honourable friends come down to Lunenburg I hope to be able to show them the skeleton of it. They shall see the shell if I can get it.

Hon. Mr. PROWSE—I should like to reply to the hon. gentleman who has just spoken and also to the remarks of the junior member for Halifax in reference to poisoning. It will be a pretty serious matter if you create the impression abroad that there is danger of being poisoned with canned lobsters. I do not hesitate to say that in a can of good lobsters there is not the slightest shade of a chance of being poisoned. In my opinion there is more danger when people buy a can of lobsters and take part of it out; as soon as it is exposed to the air, deterioration sets in almost immediately. As soon as a can is opened the lobsters should be used immediately, and if you keep it for a day or two it becomes poisonous. Another method which, in my opinion, may bring on lead poisoning is where the can is dry-heated on the stove. The solder is made of a mixture of tin and lead, and if you want the lobsters cooked, or even warmed, they should be placed in a kettle of boiling water where there is no danger of the lead being fused; but if it is placed upon a hot stove, then the lead may produce an acid in that can which may produce lead poisoning. I have no doubt a doctor can understand that much better than I can explain it, but the can, to be safe, should never be placed on a hot stove to be heated, but in a kettle of boiling water. In reference to the suggestion made by the hon. member for Lunenburg, that care should be taken as to the size of the lobsters, that is a suggestion which would never come from a lobster packer. It sounds very well in theory, but it is as impracticable as it is for a man to walk on his head. There is not a lobster factory on the coast of Nova Scotia, Prince Edward Island, or New Brunswick to-day that would adhere to any law, if it was enacted, which restricted them to a nine inch lobster. I can understand the situation of the lobster fishermen along the coast where my hon. friend comes from, bordering on or adjoining the United States. There are, of course, two lobster markets; there is the market abroad, where the canned lobsters are sent, and then there is a local market for fresh lobsters, but the public at large could not take advantage of this local market and get the lobsters in the shell, as they do in Boston and other places. You cannot send them across the Atlantic in that state. You have to preserve them. Fishermen who are so close to the United States market, I can understand very well, if they get large lobsters and send them into the fresh fish market, they will get a handsome price, but to apply that to the ordinary packers would be simply nonsense. It could not be done. Then in reference to the age and the date and the maker's name being placed on those cans, it would be a very great injury to the trade; it would depress the market, because a wholesale dealer or speculator would say: "I must be very careful not to overload myself, because if I carry any over till next year I must sell them for much less money, because they will come into competition with the fresh lobsters coming in." It is all very well from the consumers' standpoint, but I take it we are not the consuming population; we want the market abroad, and it is to encourage and protect the industry,

because the amount of lobsters consumed in Canada scarcely amounts to anything compared to the great quantity exported. You might just as well tell the butcher that he must mark on every piece of meat he sells how old the animal was, because everybody knows that a young animal is better than an old one, and so in reference to almost everything else. It is going to injure the market and restrict speculation and business generally if you force them to put on the date and the maker's name. There is no necessity for it, because the purchasers buy their goods from sample, and they will not buy until they open the goods, and see what they are purchasing.

Hon. Mr. FERGUSON (P.E.I.)—This discussion has taken a very wide range, and a good many of the observations have not a direct bearing on the bill before the House. The label or stamp which it is proposed in this measure to affix to the case has no reference whatever to the quality of the goods, but is merely the departmental stamp, furnished by the Minister of Marine and Fisheries. My hon. friend, the senior member for Halifax, had an impression that they would be charged for those stamps. That is a mistake; they will be supplied by the Department of Marine and Fisheries, and they are simply to indicate the time of the catch, to enable the government to better carry out its regulations with respect to the close season, and also the small fee proposed to be imposed on the lobster packers in addition to the amount collected on the fish they catch. The senior member for Halifax hinted that it would be desirable that the name of the packer should be put upon the case. The name of the packer is usually put upon each can. The stamp that is to be provided for in this bill is to be put on the case which contains quite a number of cans. The label that is put upon the can is altogether a private matter. My hon. friend seems to think it desirable that there should be a provision to require that the name of the person who actually packed the fish should be put upon the can. That would be detrimental to the smaller packers, because they make contracts or sell their fish to the larger packers or larger exporters, and generally the name of the large exporter is put upon the can. Large purchasers on the other side of the Atlantic would not care to buy a lot of cans with a variety of labels of the names of makers upon them, they look to the name of the larger packer rather than a great variety of names of packers on the cans. However, the bill does not propose to deal in any way with the labelling of the can. It is only a provision for the departmental stamp upon the case as a regulation for the industry.

Hon. Mr. MACFARLANE—I have not had the experience of a lobster packer, but I have frequently gone to the factories where the packing has been carried on, and I do not agree with my hon. friend from Prince Edward Island as to the size of the lobster. I believe what deteriorates and injures the lobster is the extremely small size of the lobster that is canned. All kinds of fish go into the fisherman's net, and he does not sell by the number of fish, but by the pound, and the little fish go in to make up the hundred pounds. He is paid by the hundred pounds and not by the number of lobsters he catches.

Hon. Mr. PROWSE—You are wrong.

Hon. Mr. MACFARLANE—They take them by the weight. He is paid by the hundred but they calculate the number by the weight. If lobsters are taken in that condition they certainly are inferior. But what injures them very much is taking them in the soft shell season. They totally shed their coats and the lobster crawls out of his shell and he is then what is called a soft shell lobster. The meat is entirely shrunk up, so that it can be drawn from the claws. When the lobster is in that condition it is really not fit for food of any description.

Hon. Mr. KAULBACH—The canners won't pack them.

Hon. Mr. MACFARLANE—I have frequented some factories when they were operating. The fisherman puts his trap in eight or ten fathoms of water and when he takes his trap up there are probably one hundred small lobsters; he throws them all into his boat and takes them to the shore, and when he makes his selection for the packer they are thrown aside and perish. If an arrangement can be made to have good careful inspectors who know what they are doing and know how the fishery ought

to be carried on, to oversee operations, much good could be accomplished. I believe a great deal of the injury is caused by the inferior style of the packing, and from the style of lobster that is put in the tin.

Hon. Mr. ARSENAULT—There has been quite a lot of money expended to preserve the lobster fishery. I do not see, from one year to another, that it is improving very much. We have on the coasts of Prince Edward Island an inspector of fisheries who goes round the island in a boat to see if people are fishing illegally. We have fish wardens who go round the shores once or twice a week for the same purpose. Then we have the "Stanley" with a large number of men on board. If they happen to find traps set out at the wrong season they take them up and destroy them. Although it costs quite a lot of money to protect the fishery there is always some illegal fishing done. That is because the fishing season is not the same in all localities. I have heard the department blamed to-day for giving an extension of 10 days to the lobster fishing. I say that extension will be good in some places and no good in other places, because they are done fishing long before the time of the extension begins, where they begin to catch the fish as soon as the ice leaves the shore. They get a thousand and two thousand for each boat in many places every day in May and June. In other localities a boat with two men gets from 200 to 250 a day. Up to this date the largest catches in those localities is 200 to 400. About the 10th of July the lobsters begin to come in, we get a thousand to 1,500 and even 1,800 per boat every day. That is why the extension is allowed to that locality. The coast to which I refer is on the south side of the island, from West Point to near St. Peter's Island at the entrance of Charlottetown Harbour. That is the case every year and has been the same for over 10 years. There is no good fishing done there until the 10th of July. Time and again we have asked to be allowed to begin fishing on the 15th July instead of in May as in other places. We are quite willing to take the same length of time as they take elsewhere; but we want it when the fish are there. If we do not fish after the 15th July we will get no fish at all, and that is why we should get till the 15th August in our locality. At one time, when there were only one or two factories, it paid earlier in the season, but in many cases the fishermen of those days have become packers themselves, and where the fishing is divided up it does not pay anybody at all, because it is not in season, but if we had the season we are asking for we could do something towards paying expenses. That is why this too extension has been given. At first we expected to get 20 days, but others who have had good fishing during May and June, as soon as they heard there were so many days allowed in our place where there had been no fishing before, asked for an extension too. Therefore the department decided to cut down the 20 days and make it ten days and extend it all over the Dominion. A good many places will not avail themselves of this extension, because it is no good to them. They are done fishing long ago. On the 15th June in many places the fishing is over. They have no more lobsters and they go to some other fishing. In the locality that I speak of there is no other fishing—there is no codfish, we have only the lobster, and the herring fishing in the spring. We have been asking to have the season changed, and I hope in the future that we will get the ear of the department and succeed in getting in that locality the season changed from the 15th July to the 1st October, instead of from the 1st May to the 15th July. As to all these regulations, I do not see that there is very much in them. The name of the packer on the case would do no good. As has been said, all those cases are labelled with the labels of the exporter or large packers. The exporters have their labels and send them to the small packers and get them put on the goods. When the name is on the label, I do not see much use in having it on the outside of the case. As to the license fee, I don't see any good or protection in that. Other fishermen can fish all summer, and are getting a bounty for fishing instead of paying for a license, and they are not subject to a fine either. The small lobster packer has to pay for his license, and if he happens to catch a few fish outside of a very short season, he is heavily fined, and in the case of his not having made enough money to live, and to pay the fine, he is sent to jail. I don't think this is fair, and I am sure that the license system is no protection whatever to the fisheries, but only an additional burden to the poor man.

Hon. Mr. MACDONALD (P.E.I.)—This annual legislation that we have been going on with is rather detrimental to the lobster fishing than otherwise. It was only a short time ago we made a regulation with respect to the numbering and naming of the different boats engaged in this business. Just as soon as that has taken effect and people have gone to the expense of putting their names and numbers on their boats, we repeal that section as if it was no good at all. Another thing that we change is the regulation with respect to the size of the openings between the slats of the traps. Many packers who got their traps last year had them made under the new regulation. Now that is done away with, and they can again use the old form of traps. Those things lead to dissatisfaction on the part of the people engaged in the fishery. It is the experience of the people who are engaged in the business—and we have two representative men here who have had a good deal of experience in it, the hon. senator from Murray Harbour and the hon. gentleman from Abraham's Village agree in saying that the fishery is becoming less remunerative every year. The cause of that is over-fishing. There are too many people engaged in the fishery. Too many traps are set out, and the consequence is the lobsters are becoming scarcer every year, and if we do not shut down on this business, or make strict regulations with regard to the system of fishing and enforce them the fish will disappear entirely from the coast of the province. It would be much better if the government, when they fix the time during which that fishery is to be carried on, would leave it at that and not extend the time for one day. It is in the interest of people who are engaged in it, who have their traps and material, to carry it on as long as they get a fair supply of lobsters. They want to have the season extended as long as possible, but it is against the interest of the fishery generally to allow it to go on that way—it is much better to have a time and not extend it beyond that on any account. There was a reference made to the deterioration of lobster in the can. In the course of last winter I saw a letter written by a gentleman who is extensively engaged in the purchase of canned lobsters for the British market. He maintained that many of the lobsters received there were in very bad order, and that one cause of it was the inferior quality of the tin used by the smaller packers in putting up their fish, and it was useless to put up lobster in tin packages unless they used the very best quality of tin. There are certain regulations in this bill which I think are in the proper direction, if we are going to make any alteration in the law at all—that is, in respect to the fee that is to be paid by the different packers, reducing it from $10 on every packer, and making it $2 per 100 cases, or fraction of 100 cases. It will be an advantage to those who put up a small number of cases, whereas it will probably tax the large packers to something more than they are paying at present. The regulation with respect to the labels on cases is a very good one. There is one regulation in this bill respecting the preservation of the ova of the lobster. I regret that did not go much further, for while the packer is putting up his lobsters, he should be required to save the ova in a floating box at the end of the stage and when hatched they could be allowed to go and live in the water. That has been done, I believe, in some instances by the packers themselves, and very successfully indeed. It entails very little cost on the packers, and it is a measure that would lead to replenishing the waters with a larger number of lobsters than are taken out. The penalties imposed under this section appear to be such as will enable the department to enforce the various regulations, and I think it is a very good arrangement that a return should be made by each one of the packers, because the department will see the quantity that each one has put up, and be in a position to make better regulations than they can at present.

The motion was agreed to, and the bill was read the second time.

## LEGALIZATION OF PAYMENTS IN THE NORTH-WEST TERRITORIES BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (134) "An Act to legalize payments heretofore made to the General Revenue Fund of the North-west Territories of certain fines, penalties and forfeitures."

He said: On the 5th October, 1887, an Order in Council was passed at the instance and request of the North-west

Legislature, providing that fines imposed for infraction of the liquor law on the North-west Territories should be paid over to the general revenue fund of the Territories. At the time this Order in Council was passed there was in the hands of the Lieutenant-Governor a sum of $4,984, which was stated to be the amount collected up to that date for fines under the Dominion Statutes generally, the greater portion being for fines recovered for violation of the liquor law; and on the authority of the order that sum was handed over by the Lieutenant-Governor to the general revenue fund of the Territories. Two objections were raised by the Auditor General to this disposition of the money—first, that the sum mentioned included moneys which were not collected for infractions of the liquor law, while the Order in Council clearly had reference to such moneys only; and second, that the Order in Council was not retroactive and could only apply to the sums received after it was passed. The bill has for its object the legalizing of the action taken under the Order in Council.

The motion was agreed to and the bill was read the second time.

## BILL INTRODUCED.

Bill (126) "An Act respecting Commercial Treaties affecting Canada."—(Sir Mackenzie Bowell.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, July 8th, 1895.*

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. SCOTT—I should like to ask whether the leader of the government is in a position to inform the House as to the policy that the government proposes to pursue with reference the Manitoba school question.

Hon. Sir MACKENZIE BOWELL—In reply to the hon. leader of the Opposition I am prepared to state the decision at which the government has arrived on the Manitoba school question. I desire to state that the government has had under its consideration the reply of the Manitoba legislature to the remedial order of the 21st March, 1895, and after careful deliberation has arrived at the following conclusion:—

Though there may be a difference of opinion as to the exact meaning of the reply in question, the government believes that it may be interpreted as holding out some hope of an amicable settlement of the Manitoba school question on the basis of possible action by the Manitoba government and legislature, and the Dominion government is most unwilling to take any action which can be interpreted as forestalling or precluding such a desirable consummation.

The government has also considered the difficulties to be met with in preparing and perfecting legislation on so important and intricate a question during the last hours of the session.

The government has, therefore, decided not to ask parliament to deal with remedial legislation during the present session. A communication will be sent immediately to the Manitoba government on the subject with a view to ascertaining whether that government is disposed to make a settlement of the question which will be reasonably satisfactory to the minority of that province, without making it necessary to call into requisition the powers of the Dominion Parliament.

A session of the present parliament will be called together to meet not later than the first Thursday of January next. If at that time the Manitoba government fails to make a satisfactory arrangement to remedy the grievance of the minority, the Dominion government will be prepared, at the next session of parliament, to be called as above stated, to introduce and press to a conclusion such legislation as will afford an adequate measure of relief to the said minority, based upon the lines of the judgment of the Privy Council and the remedial order of the 21st of March, 1895.

This is clear and sufficiently distinct, indicating the policy of the government upon this very important and intricate question. It must be for Parliament and people of

the Dominion to say whether they approve of this policy or not.

## BRITISH COLUMBIA PENITENTIARY INVESTIGATION.

INQUIRY.

Hon. Mr. McINNES (B.C.) rose to:

Call the attention of the Senate, to the Report of Judge Drake, a commissioner appointed by the Government of Canada to investigate charges of irregularities in the British Columbia penitentiary, and the presentment of the grand jury at New Westminster denouncing the reinstatement of James Fitzsimmons to the position of deputy warden of said penitentiary as "an insult to the self-respecting portion of this community"; also, to the annual reports of J. G. Moylan, late inspector of penitentiaries, and ask if it is the intention of the government to dismiss the said James Fitzsimmons, and to appoint a Royal Commission to investigate the official conduct of the said J. G. Moylan?

He said: Before I proceed with the motion that is now before the House, perhaps the first minister will be kind enough to answer two or three questions that have a direct bearing on the question which I am about to discuss. I should like to ask if what I saw in the Toronto *Globe* of Saturday last, that Mr. Mosby, Governor of New Westminster jail, was appointed warden of the British Columbia penitentiary, that Mr. James Harvey was appointed accountant, and Mr. McBride, ex-warden, was superannuated, is correct. The hon. minister might also inform me if Mr. William Keary, the ex-accountant, has also been superannuated.

Hon. Sir MACKENZIE BOWELL—The item to which the hon. gentleman has referred in the newspapers is substantially correct. Mr. Mosby has been appointed warden and Mr. Harvey has been appointed accountant and I will add to these answers something which might be asked later on, that deputy Burke has been transferred from the Stony Mountain penitentiary to take the place of Mr. Fitzsimmons. Fitzsimmons is now on leave of absence, but it is possible on further investigation that he may be sent to the Manitoba penitentiary; as to that I am not positive. With reference to Mr. McBride, the late warden, I may state that he has been placed on the superannuation list, giving him the full benefit of the services that he has rendered as warden of the penitentiary. Mr. Keary has not been placed on the superanuation list, he has been dismissed absolutely.

Hon Mr. McINNES (B.C.)—Hon. gentlemen for three reasons I will discuss the question of which I have given notice, as briefly as possible. The first reason is that the temperature in this chamber, being over 80 degrees, is uncomfortably warm; in the second place we are now nearing the close of the session, and in the third I am suffering from a cold which I contracted some three weeks ago. In discussing this question I am happy to say it is not one into which politics, religion or race enters. I say that no politics enter this question inasmuch as all the representatives from British Columbia, both in the Commons and in this House, are a unit. There is no religion involved, because the majority of the witnesses, the prominent witnesses who testified against the deputy warden were Roman Catholics. I hold in my hand Judge Drake's report, which I will not trouble the House by reading, but I desire to have it handed in to the reporter so that it will be published. In order to make my remarks as brief as possible, I shall merely refer to a few clauses in that report. I may say, in the first place, that the British Columbia penitentiary was opened in 1878. When the late Inspector Moylan went out to that province, he saw fit to take with him Mr. James Fitzsimmons, who was then a guard in the Kingston penitentiary, under the plea that he had had some experience, and that he would render valuable services in the opening of the penitentiary. I think before I resume my seat I shall be able to satisfy hon. gentlemen that nothing less than a conspiracy was entered into between Inspector Moylan and Fitzsimmons to defraud the government, and that Fitzsimmons should at an early day usurp the authority of the warden and finally become warden himself.

Hon. Sir MACKENZIE BOWELL—I apologize for interrupting the hon. gentleman, but do I understand that he is going to hand the full report of Justice Drake to the reporters?

Hon. Mr. McINNES (B.C.)—Yes.

Hon. Sir MACKENZIE BOWELL—I think it is establishing an exceedingly dangerous practice in the House. If the hon. gentleman wants it in with the Debates we must bear the infliction of having it read.

Hon. Mr. McINNES (B.C.)—I could quite understand the force of the objection if it was extraneous matter, a clipping from a newspaper or some such quotation, but this is a report that was prepared and placed upon the table by the government themselves, and I thought they would not object to having the report handed in and placed in the debates. However, if the hon. gentleman insists, I will read it before I finish. I was remarking, when interrupted by the Premier, that I believe I can establish, to the satisfaction of every hon. gentleman here, that a conspiracy was entered into between Mr. Moylan and Mr. Fitzsimmons by which the Dominion Government would be defrauded and the warden, Mr. McBride, in a very short time supplanted by Fitzsimmons, the guard that was taken from the Kingston penitentiary. Commissioner Drake's report is as follows :—

I have the honour to report that in pursuance of the Royal Commission to me directed, I opened the same at the Court house, New Westminster, on the 22nd June, after due public notice and the subsequent inquiry was held at the penitentiary.

The warden and deputy warden Stewart and guards were all represented bycounsel, and I received valuable assistance from Mr. Charles Wilson, who acted for the Crown.

The inquiry took a wide range, as I did not have the advantage of the various complaints and reports, which had been made to your department until I had been engaged for some days, as soon as I had the opportunity of perusing those documents I was able to direct my investigation with better success. The evidence in consequence is more lengthy than it would have otherwise been.

I did not think it necessary to go back beyond 1887 in my investigation, as I considered six years ample time to enable me to ascertain the mode in which the penitentiary has been carried on.

As a result of my investigation I found considerable friction existing between the higher officials and the deputy warden, in consequence of which errors of judgment have been magnified and many complaints made which the exercise of a little tact would have avoided, but with making every allowance for this state of things, it is too patent that the rules and regulations have been in many cases entirely ignored, and in others only partially observed, the responsibility for this rests on all the chief officers, except the surgeon, the chaplain, school master and hospital keeper.

I find that the warden's authority has been little more than nominal. On the first establishment of the penitentiary he states he was informed by the inspector that he was to consult the deputy in all matters as he was a person of experience in the new duties which the warden had to perform. In time this has led to an usurpation by the deputy of the warden's authority, and the warden expressed himself as being only the warden in name. His orders to convicts and officers have in some cases been disobeyed by the express direction of the deputy. The effect has been detrimental to discipine.

I will detail the various rules which have been persistently ignored.

1. No muster roll of convicts has ever been called. (Rule 92).

2. The duty of examining the locks, bolts and bars twice a month with a blacksmith has never been done during the three years the blacksmith has been here. (Rule 98.)

The deputy's explanation is that if is was reported to him that any repairs were required he instructed the blacksmith to do them.

3. The arms were found by Mr. Foster in a neglected condition (Rule 93) and the guards state that their weapons have never been inspected.

4. The deputy repeatedly rebuked the guards and officers in the presence of convicts. (Rule 264).

5. The deputy employed guards and convicts in work on the orphanage and supplied wood work, iron and cement from the workshops, and the orphanage vehicles were repaired by the convicts. No entries of these works or supplies appear in the books. On one occasion only was requisition made for work to be done in the carpenter shop which was for the orphanage and the cost charged to the deputy. The convict labour book contains no entry of any labour performed at the orphanage. The entries made on the days when it was proved certain guards and convicts were at the orphanage shows that they were apparently working in the grounds—Coutts, one of the guards, states that he was employed between thirty and forty times at the orphanage and other officers and convicts on many occasions.

6. One convict, Macdonald, was frequently out at locking up time and on one occasion was outside without an officer at eight p.m.

7. The blacksmith and carpenter instructors were frequently absent whole days from their duties by order of the deputy and without the warden's knowledge to work on the farm, leaving the convicts in the workshops. The warden stated that they were all trusty men but the deputy admits that keys of the corridors and back door were made in the blacksmith shop which he fortunately discovered and got possession of. This fact sufficiently shows the necessity of the rule being strictly enforced (Vide Rules 291 & 292).

As the inquiry progresses specific charges were made against the deputy warden and the accountant.

As regards the deputy, Mr. Keary brings forward a claim for work done in the tailors shops for the deputy, amounting to $60, for which no requisitions were given. It appears that the work done in the tailor shops used to be entered in a rough memorandum book, difficult to decipher. But under rule 124 the accountant of that period (1884 to 1892) should have discovered the account and entered it properly : the deputy says he frequently asked the trade instructor to make out his account, but it was not done because it was contained in books of previous trade instructors, and the accountant was the proper person to apply to, and it was now brought up as a charge against the deputy. In my opinion it is a mere matter of account, and if the deputy was wrong in not obtaining requisitions for the work done, the accountant was wrong in not having discovered the account sooner, and I am afraid

che discordant feeling that I have referred to is accountable for this and some minor complaints, but there are other matters of a more serious nature which have not been explained away. The deputy has received at various times from Mr. Justice McCreight for the pasturage and keep of a horse at the penitentiary over $300. Many of these sums were paid in cash, others by cheques. the only entry made in the books is $80 credited to the justice in April, 1893. The amount paid to the deputy if he does not dispute is over $230. The only letters that passed on the subject are marked 1, 2, 3, 4, 5, and the cheques "A," "B," "C." With regard to the cheque "B" for $135, only $50 was for pasturage, the $85 balance was paid to the Sisters at Sapperton, at the justice's request. While on this subject, Mr. Justice McCreight received a letter (Exhibit E) from the Rev. Mr. Morgan, acting chaplain. I took an early opportunity to give him an emphatic warning as to the impropriety of his conduct.

The land occupied by the penitentiary buildings and grounds is about 32 acres, part of this is pasture land, part in hay, and in 1887 there were 10 acres in cultivation, now there are about 14 acres. The warden and deputy warden have three cows between them running in the pasture. They also have fowls but none exist now. There were also sheep and pigs belonging to the government and some pigs belonging to the deputy.

No entries appear in any books belonging to the institution of the produce raised on the farm or what has been done with it. Pigs to a considerable number have been killed, hams and bacon have been cured, sheep have been killed. There is some evidence that the ham and bacon were used by the warden and deputy warden. The deputy says that he had pigs in the institution but they had no distinguishing mark and were fed with the general stock. Two penitentiary pigs, however, were sent by the deputy with the warden's sanction to the orphanage—value about $30 each. The deputy had sole management of the farm. Mr. Keary asked frequently for the farm accounts but was always refused and no accounts have ever been kept; the deputy asserts that he had the roots and other crops weighed into the barn, but no entries were produced nor memorandum of any kind.

The annual returns of the farm (which for the years 1888 to 1892 inclusive appear to have been altogether omitted from the parliamentary returns) have been in my opinion merely imaginary: in 1887 the returns shows crops equal to 13 tons to the acre there being in that year only only 10 acres in cultivation and a gross return of $350 an acre, in 1893 a gross return of $186 an acre.

These figures are extracted from the annual report and make a wonderful showing as compared with Manitoba which only returned some $15 an acre excluding the hay which I understand is outside the farm, these figures taken in connection with the absence of any data produced to me lead me to the conclusion I have already expressed.

It was also proved that bread, potatoes, fruit, vegetables, coal, cement, and lumber have been at different times taken out of the premises by order of deputy warden. With regard to potatoes he produced receipts for the year 1891 and 1892 and 1893 covering 3½ tons and says these are the potatoes that went to the orphanage. I am unable to check his figures as the potatoes went out in small quantities and no account was kept.

With regard to coal, the deputy says he sent the orphanage a ton, as they were out of coal in the winter, and he bought another ton to replace it, and produces the receipts from the vendor Rogers (exhibit K). But again, from the want of entries, I am unable to check him. The coal that went to the orphanage is not entered, neither is there any requisition for it, and the coal that replaced it does not appear anywhere.

With regard to the bread, fruit and vegetables, it was proved that various articles of this character were taken away, but as regards the fruit and vegetables the deputy claims that they came out of the garden, which is laid out in front of the building and that as the garden was originally planted by the warden and himself, he considered he was entitled to the produce.

A large number of empty flour sacks (between 3,000 and 4,000) were, it was stated by Jamse Miller, removed by the deputy warden which he denies. I have been unable to trace them.

Some evidence was given of spying by guard Smith on Mr. Keary and there is no doubt that a general impression exists among the officers that this is not a solitary instance but it is hardly possible to establish the fact absolutely.

The deputy excuses himself for non-compliance with the regulations by stating that it was arranged between the warden and himself that he should go out to work with the men and that the warden should do the deputy's duty. This the warden denies. I can see no reason for the deputy going with the convicts to clear land, remove stumps and build fences, any officer of ordinary intelligence could do this work but the deputy says his officers were all incompetent which I see no reason to believe.

I also inquired into the escapes and attempts to escape which amount to 12 since 1882 (see exhibit O) and it was stated by some of the guards that in their opinion the number of convicts sent out in the gang were too many for the number of officers.

Three officers and sometimes two had charge of from 40 to 50 convicts in the ravine—a difficult place to control so large a number. This, however, is a matter on which I cannot express an opinion, the guards employed and the warden all concur in stating that they considered this number of convicts dangerously large to the officers in charge.

I took the opportunity of seeing all the convicts who desired to see me and there was a very general complaint of the food, and the manner in which it was served before Mr. Foster's presence last year. It was alleged to be a common occurrence to have their food placed on the floor near or in their cells and occasionally kicked to them by the guards. The result was that a very large amount of food and bread was wasted, so much so, that there is now a saving of nearly one hundred pounds per day in bread alone by feeding the men in a decent and cleanly manner. There is also a complaint that irons are too frequently used in punishment. The warden admits that when irons were ordered they did not always appear in the punishment book. There is a universally expressed satisfaction by all the convicts I examined at the change wrought by Mr. Foster in the internal discipline and management of the penitentiary.

I made a careful inquiry into the attempted escape of Kennedy on the 14th December, 1893, when he was shot in the leg and the result I arrived at is that the shooting was unnecessary. Kennedy was on a ladder trying to get over the fence. Guard McMasters had hold of him and guard Smyth came up and shot him. From the appearance of the convict's clothes which are burnt with powder, the pistol must have been used at very close quarters. Guard Smyth probably lost his head in the excitement of the moment and I think used his pistol unnecessarily. I examined into the matter because there appears to have been some difference of opinion between the guards as to the fact and contradictory statement forwarded to the Department of Justice.

I have not in the above report dealt in detail with all the numerous matters brought to my notice as they are fully set out in the evidence, but my investigation fully satisfied me that the irregularities which were shown to have existed would have been practically impossible if the regulations had been adhered to. As I stated before the officers did not work well together. The guards complained of favouritism in the appointment of their duties and there is no doubt that the numerous complaints which have been made from time to time have had their origin in a feeling of dissatisfaction which seems to have existed for the last two or three years. Charges were made against Mr. Keary of concealment of some books of the institution which had been kept by a previous account. He admitted the fact—the books were subsequently found and the reason of his action is difficult to discover. He was also charged by Mr. Fitzsimmons with having asked him to store some feed for him and the inference was that the feed was government property. Mr. Keary says it was feed he had bought for his horse and there is no reason to doubt it.

The buildings were not kept in the condition of cleanliness that they ought to be ; the medical officers and some of the guards spoke strongly on this subject but this is now being rectified.

The medical officers suggested that the hospital keeper was too frequently taken for other work to the neglect of his hospital duties. At the inquiry both the warden and deputy warden were present the whole time and heard all the evidence and at their request I called any person they desired, and permitted the fullest cross-examination limited to the inquiry. I refused to allow the sisters to give evidence as to what the orphanage had received from the deputy because in my opinion it was not necessary to know where the government property had gone to, if it was shown that any had been taken away from the institution.

The late guard Finnegan desired to give evidence and I allowed him to do so, and he took the opportunity of alleging drunkenness against McInnes, the steward, and guard Robertson, but he never reported them, and also made a charge against Keary of using improper language, but I place very little reliance on the statement of this witness.

In conclusion I may say that the warden has rendered me every facility in making the inquiry, and very frankly admits the existence of dissatisfaction, but says that the deputy was, in his opinion, a first-class officer up to three or four years ago, when he sustained a severe domestic bereavement, from which time he dates the changed tone of his intercourse with the officers, and lack of interest in his duties.

Now the first paragraph that I desire to call the attention of hon. gentlemen to in this report is paragraph 6 :—

I find that the warden's authority has been little more than nominal on the first establishment of the penitentiary, he states he was informed by the inspector that he was to consult the deputy in all matters, as he was a person of experience in the new duties which the warden had to perform.

I may state that I was living in New Westminster at the time when Mr. Moylan was sent out there to open that institution, and Mr. McBride, the newly appointed warden, informed me that Moylan gave him specific orders to carry out all instructions given him by Fitzsimmons as to the management of the penitentiary. McBride confirms this statement in the evidence which he gave before the commission. That is 17 years ago next September, and the reason why the inspector insisted upon the appointment of Mr. Fitzsimmons, who was not deputy warden but chief keeper and guard, was that he had had several years' experience in the Kingston penitentiary. Now, as the commissioner very properly states here, that led in a very short time to the usurpation of all the powers and all the authority of the warden. I may mention here that Mr. McBride, as I can show from even Mr. Moylan's own report, had been governor of the Victoria jail as far back as 1864, or 31 years ago. He was there for several years, and was then transferred to the New Westminster jail, the main jail of the province at that time. We had no penitentiary, but it was used as a penitentiary, and, as I will show later on, even Mr. Moylan himself admits that they had life convicts there—men convicted for murder and other offences. He discharged his duties as jailer in New Westminster, to my personal knowledge, for several years before his appointment, in a manner acceptable to everyone. For two years I had the honour of being mayor of New Westminster, and in those days they had no police magistrate and I had to perform the not very pleasant duties of a police magistrate. It was my duty to visit the jail at least three or four times a week ; and the statement made here by Mr. McBride, that he had to take all his instructions, notwithstanding he was warden, from the chief keeper, is absolutely

true, and is known to a very large number of the best citizens in New Westminster. The next paragraph is as follows :—

The deputy employed guards, and in the work in the orphanage supplied food, wood-work, iron and cement in the work-shop.

I will not comment on that at present, but will do so later on. But just imagine, hon. gentlemen, in view of the rules that I have already read to you, that no muster-roll was ever called in the institution, that the locks were never examined, that the arms were found by Mr. Foster in a neglected condition, and the guards stated that their weapons had never been inspected. Imagine, hon. gentlemen, what discipline could exist in an institution run in that slip-shod manner, and also that the deputy, in the presence of the convicts, would rebuke not only guards, but, as I heard myself, rebuke the warden, about one year after the institution was opened. Again, it is proved that a convict by the name of Macdonald, and other convicts, were frequently out after locking up time, and once absolutely alone. Can hon. gentlemen imagine such a state of affairs—a man serving a term of probably four or five years in the penitentiary to be allowed to roam out alone? Again, what will hon. gentlemen think of the management of an institution where the blacksmith and carpenter instructors were taken from the workshops to work a considerable distance away from these workshops clearing land, taking out stumps, building fences, and leaving the convicts there alone absolutely masters of the situation? The deputy warden had to acknowledge that he fortunately discovered that they had made keys to open the locks of the inner and outer doors.

Hon. Mr. SULLIVAN—Did any of the convicts escape?

Hon. Mr. McINNES (B. C.)—No; not upon that occasion, but some ten or twelve escaped previous to that, from 1882 to 1892, and the general impression is that many of them were allowed or given an opportunity to escape. The first witness that was examined before that commission was Justice McCreight, one of the most honourable and respected men that we have in British Columbia. He is now over 70 years of age. He always led the bar in that province, and is a most conscientious and respected citizen. He was the first witness called, and he gave evidence that was rather damaging to Mr. Fitzsimmons. To show the influences that were brought to bear to shield the deputy warden, I will read a letter that was sent to Justice McCreight :—

EXHIBIT E.

ROYAL COMMISSION, BRITISH COLUMBIA PENITENTIARY.

NEW WESTMINSTER, June 22nd, 1894.

Hon. Justice McCreight,

Hon. and dear sir,—I have heard with indescribable pain of all what took place in the court-house this morning. You have already remembered the real circumstances connected with your horse-keep in the penitentiary, and you are likewise aware of the terrible injury you have caused to a perfectly innocent man. The inquiry opens to-morrow morning at ten o'clock, and as an honourable man I need hardly remind you that your duty is to undo as far as possible and as speedily as possible the wrong of what you have been unconsciously the cause. Therefore you ought in conscience to present yourself to-morrow morning at the opening of the commission in the penitentiary, and ask to be allowed to withdraw under oath all that you are not justified in adhering to. Needless to say your statement will be published in all the British Columbia papers, and probably in many all over the Dominion, and the longer the story is allowed to go uncontradicted the greater will be the harm done.

Please think over the whole matter and act according to conscience and not according to your note-book which, on your own admission, has misled you.

Feeling sure that you will be perfectly willing to right the grievous—though on your part, unconscious wrong, I am,

Sincerely yours,

W. M. J. MORGAN, O.M.I.

This clergyman, Father Morgan, was one of the acting chaplains of the penitentiary. Can hon. gentlemen imagine anything more outrageous than to send such a letter to one of the most respected and learned judges in the land, a man of over seventy years of age, asking him to go on the stand again and contradict the evidence that he had given the day before—in other words to take back what he had said and substitute something else for it? I mention this to show that deputy warden Fitzimmons and his friends had recourse to every means in his power to clear himself from the charges made against him and of which he had been subsequently found guilty. Had Judge McCreight been some poor ignoramus of a witness, we can imagine what the result would be; but what did the hon.

judge do? Like an hon. gentleman he went to the commission, and in the presence of the clergyman handed the letter to the commissioner. Mr. Justice Drake read it and re-read it, and for five or six minutes never said a word. Finally he said, "Mr. McCreight, I have been deliberating whether I should commit Mr. Morgan for contempt of court or give him an emphatic warning never to commit such an offence again." He disposed of the case by severely reprimanding the reverend gentleman. Now, in the 13th paragraph the report says:

> No entries appear in any books belonging to the institution of the produce raised on the farm, or what has been done with it.

And then it goes on to enumerate the animals that were slaughtered and the materials that were disposed of. I have also here a copy of the return that has been brought down in the other House in connection with the evidence: one is a report from Mr. Fitzsimmons himself, and this is his explanation of the disposal of the material that went to the orphanage:

> As regards the orphanage, when I first came to New Westminster I was instructed to carry on as I had seen done in Kingston. Now, sir, it is customary in the various penitentiaries to assist charitable institutions, and nobody thinks of saying anything about it.

I was not aware until the present that one of the purposes for which penitentiaries were established in this country was to assist charitable institutions. Clause 21 says:

> The deputy excuses himself for non-compliance with the regulations by stating that it was arranged between the warden and himself that he should go to work with the men, and that the warden should do the deputy's duties. This the warden denies. I can see no reason for the deputy going with the convicts to clear land, remove stumps, and build fences. Any officer of ordinary intelligence could do this work. But the deputy says his officers were all incompetent, which I see no reason to believe.

As far as intelligence is concerned I am within the mark when I say there was not an officer or guard in connection with that institution who was not a great deal more intelligent than the deputy warden. Certainly one of his virtues or qualifications was not intelligence; so that that portion of the judge's report is strictly correct. In the 24th clause I find:

> It was alleged to be a common occurrence to have their food placed on the floor near or in their cells and occasionally kicked to them by the guards. The result was that a very large amount of food and bread was wasted, so much so, that there is now a saving of nearly one hundred pounds per day in bread alone by feeding the men in a decent and cleanly manner. There is also a complaint that irons are too frequently used in punishment; the warden admits that when irons were ordered they do not always appear in the punishment book. There is a universally expressed satisfaction by all the convicts I examined at the change wrought by Mr. Foster in the internal discipline and management of the penitentiary.

If that institution was conducted in an orderly and proper manner, I cannot conceive for a moment what a poorly conducted institution would be. And then further on it says:—

> The buildings were not kept in the condition of cleanliness that they ought to be and the medical officers and some of the guards spoke strongly on this subject, but this is now being rectified.

There was not an officer against whom there was a charge but had his counsel. I may also state, for the information of the House, that when the commission opened Mr. Fitzsimmons had as his counsel, Mr. MacPhillips, a co-religionist of his and one of the best lawyers in the province of British Columbia, but so thoroughly disgusted was he with the whole transaction on the second day that he washed his hands of the case altogether. I mention this in order to show there is no foundation whatever for the reports which were made by Mr. Morrison, who subsequently became counsel for Mr. Fitzsimmons and Mr. Moylan himself. I here hold in my hand several reports much longer even than that of Commissioner Drake. The first is from Mr. Morrison, who subsequently became Mr. Fitzsimmons's counsel. It is dated July, 1894. This report contains about 30 or 40 clauses, and it was sent in to the late Minister of Justice, Sir John Thompson, no doubt to prejudice and poison his mind against Commissioner Drake's report. I think it was very improper for any person to send in such a report long before the commissioner's report was prepared and submitted to the Minister of Justice. I next come to a letter dated Ottawa, 29th October, 1894, addressed to Mr. Fitzsimmons from the Deputy Minister of Justice here. It is as follows:

> I am directed to inform you that an Order-in-Council was passed on the 24th inst., retiring you from the penitentiary service and that you will therefore cease to receive any salary from that day.
>
> The Minister of Justice desires me to say, however, that he hopes to have an opportunity shortly

of offering you re-employment in the penitentiary service.

That, to my mind, is an extraordinary letter to be sent by the Minister of Justice to this man two or three days after he was dismissed, with the information that his salary would cease from a certain date. It is an unheard of thing, and I must confess, that I do not believe a man of the sterling integrity and unswerving character of Sir John Thompson would in one day dismiss a man, after due deliberation on the report and evidence, and would two or three days afterwards write to that man, whom he had deliberately dismissed, saying that probably in a short time he would give him employment again in the government service. It is a libel on the name of the late Minister of Justice, and I refuse to believe that he ever authorized it. Sir John Thompson's mind was a highly judicial one—he never acted on the impulse of the moment, but on evidence altogether—in this case on evidence which had been accumulating for years, evidence that had been taken before a commission appointed by himself; yet we are asked to believe that he sanctioned such a statement as this letter contains. I have too much respect for the name of the late premier of the country to believe it. The next letter to which I shall call attention of the House, is dated Montreal, 5th January, 1895, and is as follows:

To Sir Charles Hibbert Tupper,
Minister of Justice.

My Dear Sir Charles Hibbert:

I inclose to you a letter just received from the deputy warden of the British Columbia penitentiary at New Westminister. Kindly look into this man's complaints and see what is in them.

Sincerely yours,
MACKENZIE BOWELL.

The next document that I find is dated New Westminster, B.C., Dec. 21st, less than two months after the discharge of Mr. Fitzsimmons. It is his application to be appointed warden. It is directed to the Minister of Justice and is as follows:

As you are no doubt aware, there has been a vacancy in the British Columbia penitentiary. Having served 21 years in Kingston penitentiary, when asked to undertake the forming of the British Columbia one in 1878, I naturally expected that so long a period of service which appeared satisfactory to the department, my claim to the wardenship of this penitentiary in case of a vacancy would not be disputed.

Mr. McBride, the late incumbent of the wardenship here, who was appointed in 1878 through political influence brought to bear at that time, and who, at the recent investigation into the affairs at the penitentiary, showed his incapacity, was the cause of my trouble owing to his incompetence. He had had no previous experience, so the whole responsibility was thrown upon me. When it will be recalled in what condition I found the place, and the amount of work I had to accomplish in order to bring the institution to its present condition, I might say, single-handed, it is no wonder I incurred the displeasure and enmity of guards, officers, and even the wardens—the laxity on the part of the warden and officer had to be continuously checked, which added very much to my work.

The late warden, McBride, had probably twice the practical experience in handling men and governing an institution of that kind that guard Fitzsimmons had in the Kingston penitentiary. He was the governor of Victoria jail in 1864—a jail that often had some 75 to 100 inmates; subsequently, in 1868, he was transferred to New Westminster jail, and was governor there, having charge of from 50 to 75 prisoners in that jail before the penitentiary was opened. As evidence that the man was qualified, and that it is not necessary that a man should be a guard or officer in a penitentiary in order to discharge the duties of warden properly, I shall just refer to the action of the government the other day in appointing Governor Mosby of the New Westminster jail. Mr. Mosby had been sub-governor under Mr. McBride six or seven years before Mr. McBride was appointed warden of the British Columbia penitentiary. I give the government credit for appointing Mr. Mosby, because I do not think a better man could have been selected. I refer to it to show that it is not necessary that a man should have had experience in a penitentiary in order to govern one successfully. I shall give another instance to prove my contention: a few years ago the Stony Mountain penitentiary in Manitoba became so thoroughly demoralized that the department was obliged to send a man there to bring it into order. They sent the chief accountant of penitentiaries from the department here, Mr. George Foster, and I hope that man will get a good appointment. He straightened out matters there, and remained acting warden six or eight months. Who was selected by, when Sir John Thompson found that he had been misled and deceived year after year by the inspector of penitentiaries with regard to the New Westminster penitentiary, who was sent to improve the management of the

institution? He selected the trustworthy and competent Mr. George Foster again to right the wrongs of that institution. The warden and the deputy warden were retired and Mr. Foster has that institution now in as complete working order as it is possible for any institution of the kind to be. I mentioned these facts to show that there was no foundation whatever for the plea put forward by the late inspector that it was necessary to have a common guard from some penitentiary to start a new penitentiary and carry it on successfully. In this report of Fitzsimmons to the Minister of Justice further on he delivers himself in this way:

It would appear Mr. Corbould, the member for New Westminster, is at the bottom of the opposition to my either holding office or of being appointed to a post in the institution. And the reason is this. Some years ago Mr. Corbould undertook to engineer a scheme for the removal of the penitentiary to a site on the opposite side of the Fraser River which site is, I am informed, owned by himself, and a syndicate of friends here. I viewed the place and in my opinion I considered it to be entirely unfit for a site for any institution. My opinion has been confirmed since, for last spring during the floods the greater portion of the ground was covered with water to a depth of several feet. Mr. Corbould who had built his hopes of getting this scheme through, has never forgiven me, and I have been put to no end of trouble on account of it. Mr. Foster the accountant of the department at Ottawa came out here in March, 1893, rather mysteriously and as mysteriously departed. Upon his return to Ottawa, some 15 charges were laid against me. All of those I disposed of.

This deputy warden of the penitentiary attacks the member for New Westminster and alleges that he owned a site on the opposite side of the river on which he wished to have the new penitentiary built. I have to inform this House that the Dominion government owns that land. In fact, it was a portion of the land that became theirs when British Columbia first entered the Dominion, and it was a debatable question when the penitentiary was built in 1877 and 1878 whether that site would be taken or the one upon which the penitentiary stands. A very large number of us believe that the site on the opposite side of the river, the one which was rejected, was a very much better site than the one which was selected. The penitentiary is now surrounded by the city of New Westminster. A large portion of the corporation lies east and north of it, and we, who had faith in the growth and future prosperity of that place, saw that it would be only a few years until the town would extend there and far beyond, and we favoured the site on the south side of the Fraser River. The statement that Mr. Corbould owns that is untrue. Mr. Corbould is opposed to me in politics, but he is an honourable gentleman, and I say unhesitatingly that as far as I know and believe that charge against him is false. It is true that there was a small portion of land that would probably have to be acquired in order to get to this government property, but Mr. Corbould was not interested in it. It was seriously considered by the Department of Justice at that time, when New Westminster was growing so fast, and land was held at very high figures, that it might be better to sell the penitentiary grounds, and they could get more for that land than would build a much larger and better penitentiary than the one we have at the present time. But this is the clue to Mr. Fitzsimmons's objection—the people out there say, and I share the belief—that his objection was simply because he would not have the same facilities for pilfering from that institution for charitable purposes. Further on in this document again he appeals to the Minister of Justice to be reappointed:

I think that I ought to be at once reinstated in the British Columbia penitentiary as deputy warden, and I consider that my character being cleared that designing and bad men who got up a conspiracy to ruin me but failed, that I have still a much better right to the wardenship than any one else has.

Hon. Mr. MACDONALD (B.C.)—Who cleared his character?

Hon. Mr. McINNES (B.C.)—He cleared his character himself and Mr. Moylan the inspector assisted him with false documents that were placed in the possession of the government. He continues:

My object in writing to you sir, is to request your influence in obtaining what I consider in some as my rights, the wardenship of this penitentiary.

* * * * *

I consider, if not appointed warden of this penitentiary, I will have been most unjustly treated, my friends had already made arrangements to bring my case forcibly before Sir John Thompson immediately on his arrival in Canada, but God willed otherwise.

That is all of that report of Fitzsimmons that I will inflict on the House. The next document is an extraordinary memorandum that was sent in to the Governor in Council

by the same individual, but as it contains nothing different from which I have already given, I shall not trouble the House by reading it. I come now to Mr. Moylan's report. The versatile Mr. Moylan delivers himself as follows in a memorandum sent to the Deputy Minister of Justice :

As suggested by you, I beg to state what I know of ex-deputy warden Fitzsimmons. In 1878 I was instructed by the then Minister of Justice, Mr. Laflamme, to open the British Columbia penitentiary, who gave me *carte blanche* to select from the staff of Kingston penitentiary an officer to accompany me, suitable for the post of chief keeper and deputy warden. I consulted warden Creighton, who recommended keeper Fitzsimmons as well fitted to fill the position. My own judgment and knowledge of the man confirmed the choice. He had been 21 years in Kingston penitentiary and was thoroughly practical and experienced in all that related to rules and discipline, both as regards officers and convicts.

Hon. gentlemen will see from Judge Drake's report how thoroughly conversant he was with the rules and with discipline to be serious. He simply violated nearly every rule that it was possible for him to violate.

On my arrival in British Columbia I found that the future warden was a man of limited intelligence and education, who had no other experience of conducting the administration of a penitentiary than what he had acquired as a policeman and jailer in the small town of New Westminster. In fact he told me of his surprise at having been appointed warden, and said he had not expected a higher place than a head turnkey.

Now, in order to show how utterly false that statement made by the inspector is, I will turn over to his own report which will be found in the sessional papers of 1893. In that report the late Inspector Moylan refers to McBride in the following way :

It is very probable that a change in the wardenship will be necessary on account of the ill-health of the present incumbent. Mr. McBride entered the colonial service as governor of the Victoria jail in 1864. This jail answered also the purpose of a penitentiary and a number of convicts having long sentences, one a life man, were transferred from it in 1878 to the penitentiary of New Westminster of which Mr. McBride was appointed warden in June of that year.

Now, contrasting the two statements ; the special plea that he puts in here for the deputy warden in this report of January of this year gives a direct lie to what he wrote coolly and deliberately in 1893. Here he states that Mr. McBride had had no experience except what he had gained as a jailor in the small town of New Westminster, and refers to him as a man of limited intelligence and education. Comparing the warden and the deputy warden, I have only to say that there was no comparison between the two men as to intelligence and education. That is all the remarks I shall make upon that point, but that shows you that it was almost impossible for the late inspector to deal with any subject, to put it very mildly, without exaggerating and misrepresenting facts. Further on he says :

Not to burden this memo with any lengthy details, I beg leave to refer to my annual report to the Minister of Justice for the fiscal year ended the 30th June, 1888, in adequately setting forth what deputy warden Fitzsimmons had accomplished up to that time to justify the choice which had been made of him to fill the place of second officer in the British Columbia penitentiary. From the opening of the prison in 1878, until Mr. Fitzsimmons was relieved from his duties in May, 1894, he performed the duties of warden, because that officer felt himself incompetent to discharge them and he consequently relegated his functions to the deputy.

In order to still further show the inconsistency of this report of Mr. Moylan, he says that the warden stated to him that he would have been satisfied with a place as head turnkey in the penitentiary. Here was a man who was receiving $1,500, as governor of the jail of New Westminster, who, we are told, was ready to abandon that for a position only worth $650 or $700, at the very most. The thing is inconsistent : it bears everything but the truth on the very face of it. Then further on he says :

I find this prison (that is the British Columbia prison) whenever I made an inspection of it a model institution as regards discipline, cleanliness, good order, suitable industries, superior farming operations, and a proper *esprit de corps* among the staff. This was the character of the establishment from its inauguration up to my last inspection in 1892. For this satisfactory state of affairs the deputy warden was entitled to all the credit.

The evidence taken, and the report of Judge Drake, certainly do not correspond with that statement of Mr. Moylan's, and it would appear that from the time that he opened the penitentiary in 1878 till 1892, when he made his last visit, he used all his ingenuity in misleading the Department of Justice here in respect to that institution. Further on he takes Commissioner Drake to task. He goes after him in this lively fashion :

As to the commission held by Mr. Justice Drake, I beg leave to call attention to the fact ap-

pearing on the proceedings that, though instructed to inquire into the administration and affairs of the British Columbia penitentiary, he confined himself almost exclusively to the charges against Fitzsimmons; that while he listened patiently to the statements of the witnesses against Fitzsimmons, as shown in the evidence forwarded by him to the department, yet his demeanour towards Fitzsimmons was not fair, as shown by his unseemly interruptions and sneering remarks when Fitzsimmons was giving evidence, and by his refusal to hear the witnesses in defence of Fitzsimmons, or to allow the receipts which he held from accountant Keary for everything it was sworn he had improperly given away belonging to the penitentiary, to be compared with the prison books.

Now, as far as Judge Drake is concerned, my hon. colleague and every representative from British Columbia knows too well that Justice Drake was incapable of acting in any other than a fair and liberal manner. He is one of the most honourable men on the bench in Canada, and he metes out the law and draws his deductions from evidence and not from any preconceived idea. When he says that he sneered at Mr. Fitzsimmons when giving his evidence, and refused to allow witnesses to testify on his behalf, that statement is not correct. As Commissioner Drake says in his report, he allowed every one that had any connection at all with the institution, and was charged with any wrong-doing, to be represented by counsel and Mr. Fitzsimmons had certainly as able counsel as it was possible for him to get in British Columbia. The statement is unfounded that Justice Drake in any way acted contrary to justice in investigating the charges made against Mr. Fitzsimmons, the warden and accountant. The inspector says:

I refer to these facts as showing that Fitzsimmons was not fairly treated, though he was, so far as my observations for several years extended, one of the most deserving, efficient and faithful officers in the whole penitentiary service.

He cannot find adjectives strong and numerous enough to extol the good qualities of this man Fitzsimmons.

I always believed in the spotless character of Mr. Fitzsimmons in his private and official life, and in his fidelity, zeal and competency as a penitentiary officer, and I entertain the same opinion still.

A great oration, hon. gentlemen. You would imagine that he only lacked wings to float upwards.

Hon. Sir MACKENZIE BOWELL—He lacked the wings.

Hon. Mr. McINNES, (B.C.)—Yes, largely.

The late minister, on the eve of his departure or England, told me he saw nothing in the evidence or in the report of the commissioner to prejudice Mr. Fitzsimmons, of whose integrity and upright character he said he did not entertain a doubt. He had seen that a plot had been entered into against Fitzsimmons.

All I have to say in regard to that is that the dead cannot speak. I do not believe there is a scintilla of truth in that statement. Sir John Thompson was not a man to make any such rash, unfounded and unfair promises. I will for a short time read a few of Mr. Moylan's annual reports, and I think hon. gentlemen will find them very interesting. You will see that he forgets one year what he had written the previous years. I turn to his annual report of 1888, in which, referring to the British Columbia penitentiary, he says:

I am glad to have it in my power to state that this penitentiary is successfully managed, both as regards the prisoners and discipline. Due regard has been paid to economy in all departments of the prison as the statements accompanying the warden's report will show.

Further on he says:

The testimony which the warden and chaplains bear respecting the management of the school is very gratifying. The teacher, Mr. Keary, is energetic and earnest in his work and his labours are very successful. He is very competent for the position. This is necessary; the schoolmaster of a prison must be prepared to hold his own against men of varied information. His ignorance would not long remain undiscovered; he needs, therefore, to be well taught. In addition, he requires tact, patience and discretion. The prison schoolmaster deserves consideration commensurate with his qualifications and responsibilities. I concur in the warden's recommendation for a more liberal remuneration to Mr. Keary, as schoolmaster.

I refer to that in order to show that in those days Mr. Keary, the accountant and schoolmaster, was a white-haired boy in the estimation of the inspector.

Hon. Mr. MACDONALD (B.C.)—Curly-headed.

Hon. Mr. McINNES (B.C.)—Yes, curly-headed, too. In his report in 1889, he says:

The officers performed their duties faithfully and with good-will.

Further on he says:

Both chaplains bear testimony to the successful working of the school under the assiduous management of the accountant, Mr. Keary. The warden also makes special mention of this officer's zeal and efforts in connection with the school and expresses a hope that his services will be more liberally remunerated. In this recommendation I concur.

I now turn to the report of 1890. In March, 1889, when the late inspector, Mr.

Moylan, made a gross—I might say brutal—attack on the hon. member from de Lanaudière, that hon. gentleman requested me to bring the matter up for him. That was in connection with the St. Vincent de Paul penitentiary. During the course of my remarks, when advocating the necessity of appointing a royal commission composed of one or more judges of the Superior Court of the province of Quebec to investigate the gross charges of wrong-doing in that institution, I also referred to the British Columbia penitentiary, and stated that if one-half the charges of wrong-doing and irregularities there were true, I asked that a royal commission be appointed to investigate those charges, and that the commission should consist of persons dissociated, in every sense of the word, from politics. I did not want the inspector, because his investigations in St. Vincent de Paul, and other institutions, had proved to be a farce, and I wanted the judges of the Supreme Court to be appointed to investigate affairs out there. That was denied at the time, but Sir John Thompson, three years afterwards, did precisely what I had asked in the interest of that institution. I said that if the officers of that institution were not guilty of the charges alleged, they would be honourably acquitted, but nothing less than that would satisfy the people of my province. That was in April, 1889. In the next report of Mr. Moylan, the inspector, I find the following. He says, referring to the British Columbia penitentiary :

A fly sheet printed in Washington territory containing the vilest slanders and most barefaced falsehoods against the administration of this penitentiary and some of its most deserving officers, was put in circulation in Victoria about 12 months ago. The production was the work of two of the most depraved and hardened criminals that have ever cursed, with their presence, any penitentiary in the Dominion. It was one of them, who coming across from Seattle, distributed in a few hours, the untruthful and libellous publication and made his escape to American territory before his arrest could be effected. Certain individuals who were either credulous or very unfriendly disposed towards the administration, towards the penitentiary made grave charges alleging that serious abuses and irregularities existed. These charges were of the vaguest nature, nothing definite being mentioned and they were advanced in a manner which every one, who appreciates fair play and manliness must stigmatize as dastardly. He is a veritable coward that makes accusations against men, who, by reason of their position, are helpless to defend themselves, and who has not the moral courage or the proper sense of justice to formulate his charges, in view of affording an opportunity to the victim of his malevolence to have the truth or falsity of the allegation duly tested. This is a general proposition without any particular application.

In connection with the remarks made by Senator McInnes on the 24th April last, in the Senate, I addressed with the approval of the Minister the following letter to that person.

This letter addressed to me was written by Mr. Moylan after he had found that I had left with my family for Europe in 1889. He went out to British Columbia, and after his arrival in the town of New Westminster had the impudence to write a letter to me there asking me to be present and make good the charges which I had made on the floor of the Senate, knowing that I was then nine or ten thousand miles away from New Westminster. He also sent a letter to Kennedy Bros. of the *British Columbian* newspaper, and the reply, made by the Kennedy Bros., I will read a portion of :

Your favour of the 5th instant is hereby acknowledged. A sufficient reply to the proposition therein contained, as well as a correction of the evident misapprehension by yourself, of this journal with regard to the investigation of the British Columbia penitentiary may be found by a perusal of the conclusion of the article published in this paper on the 6th February last, from which you have been pleased to quote and we submit the extracts accordingly beginning with the clause inserted in your letter.

Here is the citation :

If half the stories we are told about our own penitentiary are true, an investigation is urgently demanded. Of course these stories are told by convicts, who bring them to the light of day on the expiration of their sentences, and the word of a convict is not to be taken. Perhaps not, but who would expose abuses in penitentiaries if convicts did not ? It is not to be expected that the perpetrators would tell on themselves. It would be well if the Dominion authorities would investigate penitentiaries once in a while and do so by means of a special commission outside of the service altogether. Such a method might lend variety to the reports. Those institutions that are conducted properly would suffer no injustice, while conversely wrong, if it exists, would be discovered and righted. We also cite below Senator McInnes.

In the closing paragraph of Mr. Moylan's report on the British Columbia Penitentiary that year, referring to that investigation, he delivers himself in the following way :

I am more than ever pleased with the manner in which this penitentiary is conducted. The officers are active, efficient and well conducted ; they give a good example to the prisoners, they carry out the rules strictly and fairly. The convicts are well treated, they are well disposed to comply with the rules and discipline of the prison,

they cheerfully and diligently perform the work allotted to them. Though invited to do so, they make no complaint: in a word, everything goes on smoothly and satisfactorily. If there be any of the abuses and irregularities alleged, the officers must get the credit of not only concealing them to perfection, but also of being in perfect accord in so doing.

They are unanimous in challenging the appointment of a special commission or any other mode of inquiry, then you may at any time consider it your duty to appoint.

Notwithstanding that, after Mr. Moylan had made his inspection, complaints poured in thicker and faster than ever. Sir John Thompson, notwithstanding the inspector's reports calculated to mislead him as to the true condition of affairs in British Columbia, never allowed that man to visit that institution after 1892, and he became convinced that there was grave wrong-doing there, and that the true statement of affairs had not been represented to him. An investigation was had in 1894 in the manner that I had suggested in 1889. Is it possible to conceive that an inspector, with the experience Mr. Moylan must have had with penitentiaries, could go there year after year, for some fourteen or fifteen years, without discovering irregularities, and gross breaches of the rules? Hon. gentlemen will find the explanation of his silence in this fact—when Mr. Moylan went to British Columbia he did not go to a hotel. Notwithstanding that he was getting at that time, and until a few years ago, five dollars a day for living expenses when he was on those visits, he became the guest of the warden and the deputy warden. I know of one visit he made there for nearly six weeks, during which time he was drawing five dollars a day for expenses which he charged to the government, for what did not cost him one cent.

Hon. Mr. SULLIVAN—I think it is customary. The same thing is done at Kingston.

Hon. Mr McINNES (B.C.)—The sooner that custom is done away with the better for the management of those institutions. Can hon. gentlemen imagine when a man becomes the guest of another that he will make honest reports, as he would if he was under no obligation? The man who becomes the guest, as he did, of the warden and deputy warden, while drawing $5 a day for expenses that he never incurred, is under obligation to them, and he dare not report the wrongs that might have come under his notice. I repeat, if that is the custom, the quicker it is done away with the better. I now come to his report of 1891:

During my last visit so this prison in August and September of 1889 I had ample and frequent opportunities of examining into and noting its management. Its affairs are conducted with economy, carefulness and the exercise of good common sense and judgment. The discipline was well maintained. The convicts, almost to a man, conducted themselves properly and the work done shows for itself their good will and industry. I found the officers, taking all in all, faithful to their duties, careful, sober and trustworthy.

A model institution, notwithstanding the revelations that were made the following year. I now come to the report of 1892:

My inspection did not extend to this penitentiary last year; a visit having been considered unnecessary, as matters went on smoothly and well, and there was nothing to call for the presence or special action of the inspector. No complaint, official or otherwise, indicating neglect or abuses, has reached the department.

Everything was going on beautifully and smoothly. In 1893 he referred to Mr. Keary, the accountant, again. He was very solicitous for his welfare. As I said before, he was an ideal officer, even to 1893; but he holds a very different opinion of him now. He says in this report:

The school under Mr. Keary, accountant, is conducted with the same careful attention and competency as in former years. The schoolmaster's task is a difficult one, requiring great patience and labour, owing to the mixed races among the pupils. Withal, his success in bringing them on is remarkable. Chinese, Indians and Italians entirely ignorant of English learn to read, write and cipher very well in a wonderfully short time. Of those attending the school, the Catholic chaplain says: "Their patience and assiduous attention to study certainly deserves praise."

I now come to the report for the present year. I must say, in connection with this report, that I was very much surprised indeed that it should come out over the signature of Mr. Moylan, the late inspector. Mr. Moylan, as I understand, was superannuated on the 24th October last, when those other men, Fitzsimmons, the warden, and the accountant, were dismissed from the British Columbia penitentiary. Why Mr. Moylan should be allowed to issue the report for 1895, I am unable to understand, but if hon. gentlemen will look over it and read the report that he makes on the British Columbia penitentiary, they will then see

the object that he had in view. From the beginning to the close of the report the references to the British Columbia penitentiary are nothing but an apology and misrepresentation in order to shield his friend Fitzsimmons. I will only read a few passages from his report :

In September, 1878, I opened the British Columbia penitentiary at New Westminster, organized the staff, and placed the institution in good working order. Though the warden was not an efficient officer, yet, owing to the great practical knowledge and experience which the deputy warden had acquired regarding prison management, and to the careful attention with which he discharged his own duties and those not fulfilled by the warden, no interest suffered. As a matter of fact from the inauguration of the institution until March, 1893, the penitentiary at New Westminster was one of the best conducted penal prisons in the Dominion.

All I can say is, may some good power help the other institutions if they were conducted no better than this one.

Thorough discipline was well maintained ; the conduct and the industry of the convicts were above the average ; economy in the expenditure was a marked feature in the administration ; and the improved condition of the reserve, with its yearly profitable products, gave evidence that the prison labour was skilfully utilized. Two thorough and searching inquiries, one at the instance of the late Mr. Justice Gray, made by ex-Governor Trutch, about ten years ago, and the other by the inspector, 1889, did not elicit any facts or circumstancus prejudicial to the good government of the penitentiary or to the conduct and character of the staff, individually or collectively. The public, by advertisement, were asked to attend these inquiries, and, any one having information of wrong doing or irregularities was invited to give his evidence. In the autumn of 1892, I made a very careful inspection of this prison. There was nothing to indicate any laxity of discipline or falling off in the general administration. Officers and convicts and outside citizens had free excess to the inspector, and full opportunity to make complaint of anything wrong or faulty regarding the institution. None was made.

Owing to his state of health and other causes, I found it necessary to tell the warden that I would be obliged to recommend his superannuation, on my return to Ottawa.

He thought the time was ripe to act ; the conspiracy was culminating in the overthrow of the warden who was to be supplanted by Fitzsimmons, and now he was bound to act, and to act with great energy. He says, "the warden expressed himself reconciled"—remember, Mr. MacBride is a man of about 60 years of age to-day, a hale, hearty, strong man, strong and able, mentally and physically as he ever was. He says :

He expressed himself reconciled. In November, 1892, on my arrival in Ottawa, I reported the matter to the Minister who concurred in my view of retiring the warden: at the same time, he signified his intention to appoint the deputy warden in his place. He gave instruction that the warden be asked to send in his resignation at once. In consequence of the medical certificate furnished by him twice, having been irregular and unsatisfactory.

In other words, he could not get a doctor to give a false certificate, and state that the man was incompetent, mentally or physically, to perform his duties. It was unsatisfactory, and it was returned twice. He says :

A delay of some six weeks occurred before the proper documents were received. Meanwhile, rumour of the contemplated appointment of the deputy warden, reached New Westminster, and forthwith a series of charges against that officer, by persons inside and outside the penitentiary, poured in upon the Minister. A scheme to change the site of the prison to a most unsuitable location, on the south side of the Fraser River, had been set on foot in the early part of 1892, and very strongly urged on the late Minister of Justice.

He goes on to describe the site to which I referred a while ago and to handle Mr. Corbould without gloves. He then continues :

The commission which I recommended was appointed to inquire into the affairs of the penitentiary.

I have reason to believe that he fought against the appointment of that commission as long as he could ; in fact, the commission was appointed, and Mr. Foster was on his way to British Columbia, before Mr. Moylan knew anything at all about it.

The late Minister of Justice expressed to me his wish that I should attend the investigation and ask to be examined, if I deemed this necessary. He instructed his deputy to inform the commissioner of this, who, notwithstanding, denied me the opportunity of appearing before him, although there was much sworn to by the warden and others, upon which my evidence as a matter of simple justice and fair play, should have been taken.

If Mr. Moylan was so anxious to give evidence, why did he not attend for that purpose? The late Minister of Justice was too fair minded to deny him the privilege, but Mr. Moylan took good care never to turn up and give evidence, and that is why I claim it is improper to allow him to make this report after he had ceased to have any connection whatever with the penitentiary or the government, other than drawing his superannuation :

I have carefully read over the evidence taken by the commissioner and his report thereon, and I

have no hesitation in stating that the facts were not fully or truly brought forth; that the character and motives of the witnesses were not considered, nor was proper attention paid to the evidence and explanations of the deputy warden, or to the improbability than an upright and efficient officer of many years' standing would be guilty of any dishonesty or impropriety. The subsequent career of many of those witnesses, notably of the accountant and storekeeper (a nephew of Senator McInnes, of British Columbia) and the discovery of their own misconduct show how untrustworthy they were and with what motives they were influenced in trying to get rid of an upright and superior officer. The part the deputy warden took in defeating tho scheme for the change of the penitentiary site accounts for the desire of some outside the penitentiary to witness his removal. I have no doubt if the commissioner had been aware of the interests and motives at work against the deputy warden he would have made a different report.

As might be expected this penitentiary has deteriorated the last two years.

In turning over to the last paragraph of this lengthy report on the British Columbia Penitentiary, I find that he forgot what he had written in the early part of the report, and delivers himself in this way:

My inspection of this institution not having been made since October, 1892, I have no information to give regarding its administration.

You can see that no reliance can be placed on any of his reports in connection with that institution, and I suppose the same will hold good with regard to the establishments at St. Vincent de Paul and Kingston. In order to give some idea of how the people of British Columbia resented the reinstatement of Mr. Fitzsimmons as deputy warden, I will read the presentment of the grand jury in New Westminster on the 25th May last. A great deal of weight ought to be given to this presentment, because they were only actuated by a spirit of fairness and justice. The presentment reads as follows:

A sensation was created in the court of assize here to-day when the grand jury made a presentment to Chief Justice Davie, declaring the reinstatment of James Fitzsimmons as deputy warden of British Columbia Penitentiary by the Dominion Government was an insult to the self-respecting portion of the community. Fitzsimmons was discharged by the late Sir John Thompson as the result of a finding of the Royal Commission investigating penitentiary affairs, presided over by Judge Drake. Evidence was given against Fitzsimmons, who was shortly after discharged. His reinstatement in March caused intense indignation and the feeling has not yet subsided, as the grand jury presentment indicates.

That will give a pretty clear idea of the unpopularity of the reinstatement of Fitzsimmons, and I may also say, for the information of the House, that instead of that feeling being allayed it is more intense there to-day than it was on the 24th March last. I would also call the attention of the House, before leaving this part of my subject, to Mr. Moylan's attack on my hon. colleague here which was published in the *Citizen* of the 5th June last.

Hon. Mr. MACDONALD (B.C.)—Do not allude to that.

Hon. Mr. McINNES (B.C.)—I think it is my duty to do so.

Hon. Mr. MACDONALD (B.C.)—Oh no.

Hon. Mr. McINNES (B.C.)—Because I claim that no man, though a superannuated civil servant, ought to be allowed to abuse and vilify public men who, in the discharge of their duties, may incur his hostility. It is the duty of the government to check that man, or to withhold his pension. My hon. colleague does not wish me to read what he states, and out of deference to his feelings I shall not read the paragraph. But I say that that letter is low and scurrilous, and it is the duty of the Government to protect the members of both Houses, especially of this House, from such impudent and unwarranted attacks in future. Some time ago I asked the leader of the House to give the name of the member from British Columbia who recommended the reinstatement of Mr. Fitzimmons. The reply, if it can be called a reply, was certainly an extraordinary one. I could not realize it until I saw it in print. I asked the following question:

Was it on the recommendation of a member of Parliament from British Columbia that James Fitzsimmous was appointed deputy warden of the British Columbia penitentiary? If so, what was the name of the member?

To which the Premier replied:

Deputy wardens in Canadian penitentiaries are appointed on the responsibility and on the recommendation of the Minister of Justice, and not on the recommendation of a member of Parliament. This course was followed in the case of James Fitzsimmons.

I will not credit that reply to the hon. Premier. I believe it must have been placed in his hands by the Minister of Justice. It is worse than no reply at all. We all know that it is on the recommendation of the Minister of Justice that the appointment is

made in Council, but what I wanted to know, and what the hon. gentleman must have known I meant, was on whose recommendation did the Minister of Justice appoint Fitzsimmons? That was the point, and that reply was worse than no answer at all. Now, the hon. gentleman will surely not pretend to tell this House that there was no recommendation made for the reappointment or reinstatement of Fitzsimmons. There was a warden appointed the other day—Mr. Mosby. I believe I am safe in saying that the Minister of Justice never saw the man who has just been appointed warden. He acted on the recommendation of the members from British Columbia. If not, I should like to know if the members from British Columbia have any patronage at their disposal? Are they such unfaithful followers of the government that their recommendations must be thrown in the waste basket, and that outsiders—men who have no direct interest at all, except of a special character, not representative men at all—are to have their recommendations acted upon in preference to those of the elected representatives of the province? It is an extraordinary state of affairs, but that is the only deduction to be drawn from the Premier's reply to my question. I think I can give the House a clue to the person who made the recommendation for the reinstatement of Fitzsimmons. In January last, the discharged deputy-warden, Fitzsimmons, was in the city of Victoria, the guest of the then Attorney-General, the Hon. Mr. Theodore Davie. From there he came to Ottawa to personally urge his claims to reinstatement. On his return to British Columbia Premier Davie hastened to the capital to influence the Minister of Justice in favour of Fitzsimmons. After the then Premier of the province of British Columbia, Mr. Theodore Davie, was appointed Chief Justice of British Columbia, he came here, and the third day after his arrival Mr. Fitzsimmons was reinstated. It is generally believed throughout the province of British Columbia that it was done on his recommendation, or that he was the instrument used in order to get this man reinstated. A little later on, the Minister of Justice here let the cat out of the bag, to use a vulgar expression. I will read a short article from the Victoria *Times*:

New Westminster, May 25.—A largely attended meeting of the Conservative association was held on Thursday night, at which a letter from Sir Hibbert Tupper was read relating to the reinstatement of James Fitzsimmons as deputy warden of the penitentiary. The letter stated that Fitzsimmons was reinstated on the strength of a statement put in by him alleging that he had not had a fair hearing before the commission, and further that Sir John Thompson before leaving for England had promised Chief Justice Davie to reinstate Fitzsimmons. The association decided that the reply was unsatisfactory and determined to remain firm in its first demand on the government in the matter. It had been the general impression all along that the chief justice was mixed up in the reinstatement, and Sir Hibbert's letter shows the impression was correct. If the demands of the association are not complied with or if any compromise is attempted, the whole Conservative organization of New Westminster district will disband.

There is another document, written after his return, which shows that that deduction is the only natural one. The representatives of British Columbia were ignored in the matter, although they were a unit, and a man that had no claim on the government, who was not a representative of the province in the true sense of the word, had the patronage at his disposal. What does he say on his return, in an interview with the *World* newspaper—a paper that has been supporting him very strongly for a great number of years? Chief Justice Theodore Davie says:

Regarding the reinstating of Deputy Warden Fitzsimmons, of the New Westminster penitentiary, the chief justice stated that such a course had been decided on by the late Premier and Minister of Justice, Sir John Thompson, and that Sir Charles Hibbert Tupper was but carrying out the intentions of his predecessor. It has not yet been decided whether Mr. Fitzsimmons will be permanently located at New Westminster or in some of the other institutions in the Dominion.

He was conversant with everything that was going on; he knew what had been done for his client. Just consider the circumstances! Here we find the Chief Justice of British Columbia, usurping privileges which did not belong to him. He comes here and asks the Department of Justice to throw into the waste basket all the evidence taken by the commission under oath, and accept instead statements, nineteen-twentieths of which are false, made by Fitzsimmons himself in his report to the Minister of Justice. What a travesty of justice! There was a time in Canada—and I hope it will come again—when our

judiciary was second to none in the world. But if such acts are sanctioned, we will soon have little reason to boast of our judiciary. I claim that it was improper for Chief Justice Davie to interfere in the matter. I can tell the hon. Premier—and my hon. colleague knows it and every man in British Columbia knows it—that next to the reinstatement of Mr. Fitzsimmons, the appointment of Chief Justice Davie was one of the most unpopular and unsuitable ever made in our province, He is known in that province from one end to the other for three leading traits of character—vindictiveness, unscrupulousness and "gall." Hon. gentlemen may laugh, but my hon. colleague knows it. The Minister of Justice erred in listening to him ; he should have been guided by the advice of the members from that province who were in full sympathy with him and supporting him there. Surely their recommendation should have been taken instead of that of an outsider. I shall now refer to the estimates for this year to show how economically the British Columbia penitentiary has been governed of late. At page 31 of the estimates you will find the items of controllable expenditure in connection with that penitentiary. You will find that for maintenance and other controllable expenditures there is a total deduction of $10,373 from the expenditure of last year, although the staff and number of convicts are larger than ever. That was the institution that was so economically governed, according to Moylan's reports. That condition of affairs was brought about by the present acting warden, Mr. Foster. I have no hesitation in saying that in the last 17 years $100,000 or $125,000 have been improperly taken out of the Dominion treasury in the management of this institution alone. According to the report on that institution, after Mr. Foster took charge, there has been 100 pounds of bread alone, besides other food, saved every day.

Hon. Mr. SULLIVAN—How did you say he saved the bread ?

Hon. Mr. McINNES (B.C.)—He mentions it in the report. It has been dealt out to them in a decent and becoming manner, and not kicked to them as it would be to a lot of dogs. The statement is made by the gentleman appointed by the government, and I say his statements should be taken in preference to anything that Moylan or Fitzsimmons or any other outsider may say to the contrary. It is a gross insult not to take his report and deductions from the evidence in preference to those made by men who were directly interested in concealing their own frauds. It is stated, and I believe it is true, that outside of the contracts for the staple articles to supply that institution, from 25 to 100 per cent more was charged for everything that went to that penitentiary than should have been charged. I have been told so on authority that I cannot for a moment doubt. It is stated, too, that from $\frac{1}{4}$ to $\frac{1}{3}$ less in value and in weight than the government paid for was supplied to the institution. True weights were not given ; true measure was not given. I have been so informed and I have every reason to believe that the statement is correct. The position that I started out with was this : that a conspiracy had been entered into in order to supplant the warden by Fitzsimmons when Moylan took Fitzsimmons from the Kingston penitentiary in 1878 ; that the time was ripe for action in 1893, but owing to the delay in getting satisfactory medical certificates to show that McBride, the warden, was incompetent physically or otherwise, it got rumoured abroad that Fitzsimmons, who had no qualifications for the position except his long term of service, was to be appointed warden. As far as I know, on every visit made by Mr. Moylan, all his ingenuity was called into play to cover up wrong-doing and deceive the government. For years he succeeded in deceiving the late Minister of Justice, and in covering up the wrong-doing in the penitentiary, I cannot imagine any man of common sense being in New Westminster for any length of time without noticing that there were grave irregularities in that institution ; but instead of mentioning them in his report, Mr. Moylan concealed them and commended the deputy warden, who was responsible for all wrong doing. I want an investigation to be made into the financial transactions of Mr. Moylan, I tell the hon. gentleman from Kingston that if such an investigation is made, and the facts are brought out, he will discover at his own door in the Kingston penitentiary, a state of rottenness of which he has no idea. I have in my pocket letters from men in the Kingston penitentiary stating that a worse condition of affairs exists there than ever existed in Bri-

tish Columbia, My hon. friend from Delanaudière endeavoured, year after year, to get an independent commission, apart from the influence of the government and the inspector, to investigate the management of the St. Vincent de Paul penitentiary. His demand was refused. Things went on year after year from bad to worse until a little rebellion broke out in the penitentiary, a man was killed, and several persons were injured, but no investigation made. In the public interest the management of those institutions should be investigated every five or six years, not by one of the employees or officers of the department, but by some one not interested in politics. It is in the interest of the public service that a commission should be appointed to investigate the conduct of the late inspector of penitentiaries. If he is not guilty he will be acquitted ; if he is guilty, he should be punished as a warning to other officials to discharge their duties faithfully. I have a number of other communications that I should like to read, but I have trespassed on the patience of the House longer than I anticipated. I did not expect that the hon. Premier would force me to inflict the House by reading that long report, which might just as well have been handed to the reporters.

It being six o'clock the Speaker left the chair.

## AFTER RECESS.

Hon. Sir MACKENZIE BOWELL—I do not know that I should be justified in occupying the attention of the Senate for any length of time, had not the hon. gentleman from New Westminster made such a sweeping charge against the Department of Justice, and also against the government generally, for their action in the matter of the New Westminster penitentiary. I think, under the circumstances, I shall be justified in occupying the attention of the Senate for 10 or 15 minutes at least in giving the other side in as succinct a manner as possible. Many difficulties present themselves in dealing with charges made against an official. There are circumstances connected with every case which would justify the government in not exercising the extreme power with which they are vested in dealing with those officers. On the first blush, in reading that evidence, one would come to the conclusion, probably that the hon. gentleman has reached ; but on reading it carefully from one end to the other, it seems to me he would conclude that while irregularities did exist in the management of the New Westminster penitentiary, those irregularities were of such a character as would not justify the government in dealing with the officers in the extreme manner that the hon. gentleman has suggested. Having made this preliminary remark I shall confine myself to the statement of the case as viewed by the department which has the management of the penitentiaries of the Dominion. The first allegation regarding the mismanagement of the British Columbia penitentiary, of which the department had any knowledge, was that contained in a fly sheet circulated by an ex-convict in 1889. In April of the same year the hon. gentleman from New Westminster took the responsibility of the statements contained in that fly sheet by stating them from his place in the Senate and demanding an investigation.

Hon. Mr. McINNES (B.C.)—I never saw the fly sheet to which the hon. gentleman has referred, and did not make the statements that I made on the floor of this House from anything contained in that fly sheet. It was from the public rumours in New Westminster that I made the statements.

Hon. Sir MACKENZIE BOWELL—I accept the hon. gentleman's statement. All I can say is the fly sheet contains precisely the same charges that were made in the statement of the hon. gentleman to the Senate. That he may not have seen the fly-sheet is a matter which of course he knows, and which I do not ; I take the facts as they have been furnished to me. The statements were reiterated in New Westminster a few days later. An investigation was ordered, and previous to its being opened invitations were issued to the hon. senator, the proprietors of the *Columbian* (the newspaper which had repeated the charges) as well as to the ex-convict and the public generally, to appear and substantiate the allegations. No response to these invitations having been received, the investigation proceeded. The hon. gentleman made the statement, not that he was notified, but that the inspector sent a letter to him knowing that he was out of the country at the time. If that be correct,

and I have no reason to doubt the hon. gentleman's statement, that is a good reason why he could not well be present at that investigation, but people were uncharitable enough at the time, and are uncharitable enough now, to state that the hon. gentleman knew that this investigation was to take place and that a summons was to be issued, and that, not being able to prove the allegations which he had made, he absented himself purposely.

Hon. Mr. McINNES (B.C.)—I never heard that before.

Hon. Sir MACKENZIE BOWELL—I do not say that it is correct. I am speaking of public rumours stated at the time, and probably there may have been as much truth in that statement as there is in some of the allegations which are circulated against those officers. Every officer of the institution was subjected to examination under oath, and each in turn denied any knowledge of irregularities or mismanagement. A full report of this investigation will be found in the Report of the Inspector of Penitentiaries for 1889. No further allegations of mismanagement were received by the department until 1893, when it became known to the department that friction existed between some of the officers—notably between Deputy Warden Fitzsimmons and Accountant Keary. The accountant of penitentiaries was ordered to proceed to British Columbia and report upon the state of affairs. He did so, with the result that Hon. Mr. Justice Drake was commissioned to hold an investigation into the affairs and management of the institution. Judge Drake held an investigation and reported a summary of the facts; but without making any recommendation regarding changes in the staff. The late Minister of Justice after perusing Judge Drake's report and the evidence on which it was based, recommended the retirement of the warden, "without prejudice to any claim which he may have to superannuation"—recommended the removal of the deputy warden, "without prejudice to his re-employment in the penitentiary service," and recommended the absolute dismissal of the accountant. I may here interpose this remark: The hon. gentleman read a letter which he finds among the papers now before the House, and stated his belief that Sir John Thompson, whom he described as a fair-minded man, possessed of a keen judicial intellect, never could have made any such recommendation. With all the qualities that he attributed to the late Premier of this country, I can assure him that this statement, which I have just read is based upon what occurred in the Department of Justice, and therefore I have good reason to believe that it is true or it would not have been made. As regards deputy warden Fitzsimmons, he expressed to several persons his intention of employing him as deputy warden in one of the eastern penitentiaries and replacing him at British Columbia by another experienced official. That would have been carried out during the lifetime of Sir John Thompson, or immediately afterwards, had he not found a difficulty in making an exchange with an officer who is now in the St. Vincent de Paul Penitentiary, who declined to go to the west, but his intention beyond doubt was to make that change. Fitzsimmons applied to be reinstated in British Columbia. He alleged that the investigation was not thorough and he was placed at a disadvantage during its progress, for the following reasons: There was a concerted action on the part of Keary and many other officers to make him responsible for all irregularities. An examination of the evidence tends to confirm this opinion. There was, undoubtedly, several secret meetings of officers at Keary's house. When Fitzsimmons's counsel endeavoured to ascertain the nature of these meetings and their object he was summarily stopped by the commissioner. Mr. McColl (Keary's counsel) publicly stated that he was responsible for those meetings. These facts will be found on the records of the investigation. Fitzsimmons having been suspended, pending the investigation, had not access to the books and papers of the institution, and therefore could not procure documents and receipts which he considered necessary to meet the charges brought against him. The record shows that he and his counsel repeatedly called for the production of books and papers which were not produced. It will be seen, therefore, that Fitzsimmons laboured under the disadvantage of having to employ three separate counsel, none of whom were present continuously. It is alleged that this was an indication that the counsel, which he first employed, were too conscientious to proceed. If the lawyers of

British Columbia are too conscientious to defend an accused person in the event of their believing him to be guilty, they have very different ideas of their obligations from those held by counsel in other parts of the world. The counsel who eventually took and prosecuted his case, holds as high a character for probity and honour as is held by those who undertook professional duties which they failed to complete. As to the charge against Fitzsimmons, it is easy to quote extracts which appear condemnatory, but no one but those who have read carefully the whole evidence is in a position to judge whether or not the charges were absolutely proven. A careful perusal of the evidence will show that every dollar charged by the warden for the pasturage of Judge McCreight's horse, was paid by the judge, through Mr. Fitzsimmons. If there be any undercharge the fault is not that of the deputy warden, whose duties do not require him to either authorize or enter debits upon the books of the institution. The pasturage was authorized by the warden who acknowledges the fact in a letter under his own hand which has been filed as an exhibit. He also acknowledges having supplied to the accountant the details of the charges entered on the book. Judge McCreight testified that he never received any account—never was asked for money but what he paid was purely voluntary.

Now read the evidence in connection with that transaction and it amounts to this—and I am not here to defend the irregularities which took place at that time—Judge McCreight was in the habit of pasturing his horse in government grounds. He was in the habit of keeping his horse, as I understand, in the penitentiary stables. If I am not incorrectly informed, the horse was taken care of by one of the convicts. Judge McCreight was scrupulously honest, so far as he was concerned. He insisted on paying for keeping the horse in the stable and for pasturing. Fitzsimmons's answer to him was "I have no authority to take money from you and I refuse to take it." The judge on one occasion paid him $40 or $50, and on another $10. He said "I cannot take this." The judge said, "Yes, take it and give it to the Sisters who have charge of the Orphans' Home, or some hospital." While he should have taken that money—I do not hesitate to say—and paid it into the credit of the Receiver General, he did as Judge McCreight directed—handed it over to the Sisters of Charity in consideration, as he thought, of the services rendered by those ladies in taking care of the sick in the penitentiary. They devoted much time and attention and gave much of their assistance whenever any of the prisoners were ill and made no charge for it. This man who, I understand from my hon. friend from Kingston, is a very devout member of his church, took the money in the manner that he did from Judge McCreight but never appropriated a cent to himself, nor is there a single word in the whole of that evidence, so far as I can ascertain, in which Fitzsimmons is charged with having put any of it into his own pocket. The error that he committed was in taking the money from Judge McCreight and disposing of it as the judge intimated he should. The judge, I believe, is also a Roman Catholic.

Hon. Mr. McINNES—Yes, he has been for 14 years.

Hon. Sir MACKENZIE BOWELL—Now as to the system of reciprocal services between the penitentiary and the orphanage, it must be admitted that such should not have existed. Careful perusal of the items, however, fails to show any actual loss on the part of the government by the action of Fitzsimmons. The two small pigs which were given to the Sisters, were given by the authority of the warden, who in his evidence claims that the penitentiary was indebted to the Sisters for services attending a sick female convict for several weeks, and attending to the laundry and the chapel linen for several years. For the latter service alone, we pay $50 a year, at one of the eastern prisons. As to the work done at the drain of the orphange, it is in evidence that Fitzsimmons tendered payment, and that his money was afterwards handed back to him by the warden with the remark that it was too small a matter to charge for. It is shown that two loads of lumber were taken from the penitentiary wharf to the orphanage; but it is equally clearly shown that the lumber was decayed and useless, and that the prison officials were in the act of throwing it in the river, when they were asked to send it to the orphanage as fuel. The statement of Steward McInnes that a load of coal was sent to the orphange, is fully met by

the statement that it was replaced by Fitzsimmons a few days later. The receipt for the coal which was returned to the institution is now on file in the department. It was alleged that a quantity of bread was sent to the orphanage by order of Fitzsimmons, and the witness testified as to the convict who carried the bread to the sisters. The records of the institution show that the convict, who was named as having taken the bread, and was released from the penitentiary before the orphanage was erected, and has never since been an inmate of the institution. The other favours to the orphanage are in the way of odd jobs of repairing done by the carpenter and blacksmith. The carpenter instructor and blacksmith instructor each admit that a general requisition existed covering all work which might be done for the orphanage in those shops. Such being the case it was neglect on the part of those instructors and the accountant, if debits were not entered on the books. No account was furnished Mr. Fitzsimmons, except those recorded in the records of the investigation. In each case he has filed the receipt of the accountant for the amount of account rendered. These are but a few illustrations of the misapprehension which exists with reference to the conduct of the deputy warden, and it is sufficient to say that both the late Minister of Justice and the present Minister of Justice (neither of whom have ever been accused of condoning wrong-doing on the part of officials) have been fully convinced that Fitzsimmons has been guilty of no dishonesty and that whatever irregularities he permitted were not done wantonly nor through neligence. He has been in the penitentiary service for thirty-seven years, but it is only during the last few years of that service that anything has been alleged against him. It is submitted that no charge of dishonesty or malfeasance of office has been established. His industry, energy and zeal, for the welfare of the penitentiary have never been questioned and it is submitted that under such circumstances, the government would not be justified in depriving him of his position and thereby depriving him of his claims upon the superannuation fund to which he has contributed, without doing him a great injustice. That there were irregularities in the management of the penitentiary, there can be no doubt, but there is no evidence to prove that, in what Fitzsimmons did, he was personally dishonest, or that he personally profited by any of the irregularities. All that the inspector reported in 1889 and other years in favour of Keary, may have been quite correct, so far as he knew, at the time. His crimes having been subsequently discovered, he was dismissed. From what I have read of the evidence myself, I repeat that however irregular his actions may have been, however misled or incorrect he may have been in disposing of the money given to him by Judge McCreight, there is nothing to prove that he personally profited by any of these sums to the amount of one cent. The hon. gentleman spoke of saving effected in the purchase of supplies. From all I can hear he is quite correct in that statement, but he left the impression upon this House, that those supplies were furnished by the deputy warden Fitzsimmons.

Hon. Mr. McINNES (B.C.)—I did not say that.

Hon. Sir MACKENZIE BOWELL—Now Fitzsimmons had no more to do with the purchase of supplies than the hon. gentleman himself.

Hon Mr. McINNES (B.C.)—Yes, he had.

Hon. Sir MACKENZIE BOWELL—That is done by the storekeeper and not by the warden.

Hon. Mr. McINNES (B.C.)—It was by him in that instance.

Hon. Sir MACKENZIE BOWELL—There is no evidence to show that. Then the hon. gentleman complains that the Governor should never have permitted Inspector Moylan to make a report after he was superannuated. If I understood him correctly, he stated that Mr. Moylan was superannuated in October, 1894. Am I right in that?

Hon Mr. McINNES (B.C.)—Yes, some time about then.

Hon. Sir MACKENZIE BOWELL—He was not superannuated until the 31st January, 1895, and the report from which the hon. gentleman quoted was a report for the year ending 30th June, 1894. He having been inspector to that time and not having ceased to be inspector until he was superannuated in 1895, nobody could have made that report

but Mr. Moylan. Whether that report be correct or not I am not arguing; the charge against the government is that they permitted a superannuated officer to make a report reflecting on the officers of the institution. The facts are that he was not superannuated, as I have already indicated, until the 31st January of this year, while the report which he made and from which the hon. gentleman quoted was for the year ending 30th June, 1894, so I leave the House to judge how fair the hon. gentleman's attack on the government on this particular point is.

Hon. Mr. McINNES (B.C.)—It was the report ending 30th June, 1895, which I was quoting from.

Hon. Sir MACKENZIE BOWELL—That report cannot be out yet. The report may have been printed in 1895, but I think the hon. gentleman will find this report is for 1894.

Hon. Mr. McINNES (B.C.)—I may be wrong.

Hon. Sir MACKENZIE BOWELL—My hon. friend said that Mr. McBride is only 56 years of age, that he is in robust health and fit to do work. Strange to say, the report in the department is that he is over 61 and there are certificates from medical gentlemen stating that his health is such that he is unfitted for duty, and for that reason he is placed upon the superannuation list; so that if the government is deceived it is not their fault.

Hon. Mr. POWER—His medical certificate is in a different direction.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will not feel offended if I should say to him that if his certificates are as biassed as his political utterances, there is no person would give much attention to them.

Hon. Mr. McINNES (B.C.)—Order, order.

Hon. Sir MACKENZIE BOWELL—If they were given as a medical man, I should be bound to accept them as correct. I do not know who has charge of furnishing the food just now, but I do know this that during the time that the complaints were made in reference to the character of the food and its disposal, it was by a gentleman bearing the same name as my hon. friend. I did not know that he was the steward. I frankly admit so far as my judgment would lead me to calculate from reading these proceedings, that there were irregularities among the whole of the officials in the institution. My hon. friend took umbrage and spoke with a good deal of animation in condemnation of the position which he says the present Chief Justice of British Columbia occupies in connection with the matter. He claims that Mr. Davie had no right to make a recommendation in connection with the reinstating of Mr. Fitzsimmons. I deny that proposition in toto. Any one has a perfect right, in this free country, to recommend the reinstatement of a dismissed official, if he thinks he has been improperly dismissed. That occurs almost every day in the year. Gentlemen make recommendations in connection with matters with which they have nothing whatever to do, but which they believe to be in the general interests of the Dominion; to say that a man has no right to do that is to deny him the rights of a British subject. Whether he was reinstated through the instrumentality of Chief Justice Davie, I know not; but I do know this, that I had a number of hours' conversation, negotiation and deliberation with Judge Davie in connection with matters affecting the interests of British Columbia, in dealing with their Indians, in dealing with the protection of the coast against liquor smugglers, in connection with the issuing of titles to the Revelstoke properties, with reference to the settlement of the question of the limitation of the boundary of the 20-mile belt, and I say this for Chief Justice Davie, he never said a word to me about the British Columbia penitentiary, or Mr. Fitzsimmons or Mr. McBride or any one else connected with it. I do not say that he did not speak to other members of the Cabinet, and to the Minister of Justice on that subject; I take a still further objection to the position occupied by the hon. gentlemen. He has taken advantage of his position to make what I consider an unwarrantable attack upon the character of an eminent gentleman like Judge Davie, who has been the Premier of British Columbia for years and has occupied the most prominent position that the people could give him. I know nothing of how he got there; I do not pretend to speak of that. I judge from the fact that he has been

Premier of that province, representing the most intelligent and respectable constituencies in British Columbia, and that he obtained the position of judge from a pledge on the part of the late Premier, which promise I had the pleasure of carrying out myself (because the recommendation of a Chief Justice comes from the Prime Minister and not the Minister of Justice) and I did it because I had such unbounded confidence in the opinion of a gentleman of such a legal mind as Sir John Thompson. I took the recommendation which I found in his office and I remember what he told me himself before he went to England, and I have no hesitation in accepting the responsibility of appointing Mr. Davie to that position. When a senator rises in his place to denounce a man in the position of chief justice as being unscrupulous, vindictive and full of "gall," especially when he is not here to defend himself, he is in no better position than the inspector, whom he denounces with so much virulence, who is out of doors, and who cannot come here to protect himself. I am one of those laymen who have most unbounded confidence in the judiciary of our country, and there is nothing that I dislike so much, even if there be a little failing on the part of a judge, particularly one who occupies so eminent a position as Judge Davie does, as to hear his character assailed and denounced, as I think it has been most unwarrantably in the Senate to-day, and I question very much whether the senator from New Westminster would have dared to attack Judge Davie in his own legislature or in the Senate if he were here to defend himself. It is all very well for a senator to rise here and denounce, traduce and villify a man who is outside the pale of Parliament, who has no means of defending or shielding himself.

Hon. Mr. McINNES (B.C.)—I rise to a question of order. The hon. premier has no right to attribute motives to me or any other member in this House.

Hon. Mr. DESJARDINS—It is a fact.

Hon. Mr. McINNES (B.C.)—I deny the statement : it is not a fact, and I want to inform the hon. member that any statement I make about Judge Davie——

Hon. Sir MACKENZIE BOWELL—Order. If I have said anything that is out of order, and unparliamentary, I withdraw every word of it. I have nothing more to say in reference to Judge Davie or the hon. gentleman's position. What little I do know of Mr. Davie is of a character that would not justify the remarks that the hon. gentleman has made. I deny further that I have attributed any motives to the hon. gentleman. I simply dealt with the hon. gentleman's statements to the House, and consequently there was no point of order. If I had said that the hon. gentleman had an object in view, or was doing it out of revenge, or because he did not like the judge, or had attributed any motives at all, then he would have been justified in calling me to order. I tried to keep within the rules of order, and within the bounds of what I believe to be parliamentary procedure and so long as I remain in the position of Premier, or as a private member, if I hear an unwarranted attack made on a high official, and more particularly a judge of the land, no matter what his politics may be, I shall not hesitate to raise my voice against it in as earnest a manner as I can.

Hon. Mr. SULLIVAN—I should like to correct the statement that I made as to the inspector stopping at the penitentiaries. I do not mean to say that they have been in the habit of stopping there, but merely that they have done so occasionally. It might be inferred from what I said that it was a practice. I only know of it having occurred occasionally, and I attribute it to the fact that the penitentiary is two miles distant from the hotel in the centre of the city, and they had to attend to important matters out there at a very early hour, and wished to be there so as to have an opportunity of inspecting the convicts. I might remark that I have very great pleasure in testifying to the character of the man Fitzsimmons, who has been so much traduced. I knew him 25 years, when he was one of the principal guards in the Kingston penitentiary, and no more honourable and upright man could possibly be found than Fitzsimmons. He was selected on that account to perform the duties of deputy warden, being a man possessed of valuable qualities. He was not "born to command," and I presume he did not suit the position there, having complete or nearly complete control, and being a sort of chief adviser to

the warden, who was entirely inexperienced, because the management of a jail and the management of a penitentiary—although it has been insinuated that they are the same—are as different as the poles are asunder. There is no officer who requires more peculiar qualifications than the warden of a penitentiary—an institution like that at Kingston, with over 600 convicts and a large body of guards. It is difficult to select a suitable man. The hon. gentleman from British Columbia asked, why did not the Minister take the advice of the members from the British Columbia constituencies in appointing a warden or deputy warden? I am very glad to think that the Minister takes no such advice. I believe that it is so important an office that it is more difficult to fill than a judgeship, and consequently if the Minister does not take advice in appointing judges, he should not take advice in the appointment of a warden. I know very well, from some knowledge of that office, that it is an exceedingly difficult one to fill. With regard to reports of irregularities in the Kingston Penitentitary, I have heard them for the last two or three years; but only as reports. There has been ample time for any one to bring forward evidence, and I think there was an investigation held in the penitentiary, under what circumstances I cannot tell; but I know as a fact there was one held, and I know that the warden of that institution, Dr. Lavelle, has been in his office for a great number of years, and I have never heard any circumstances that would tarnish his character in the slightest degree. I make this remark in passing. I have also a knowledge of Mr. Moylan. He was appointed by the late Sir John Macdonald on account of the peculiar qualities he had for that position, and I believe he has discharged those duties faithfully. I am sorry to see the hon. member for New Westminster depart from the canons of Highland chivalry, which command the generous treatment of a foe, and employ means which are unworthy of the conduct which should characterize gentlemen.

Hon. Mr. MACDONALD (B.C.)—I have very little to say on this occasion. Nothing could be gained by going into the matter, because the British Columbia members have got what they wanted. Mr Drake made a very strong report, and, acting on that, the members thought Fitzsimmons was not a fit man to place in a position of trust where he had misbehaved. It has been proved conclusively that he was guilty of gross irregularities, and it has been proved also by Judge Drake that $300 came into his hands from Judge McCreight, only $80 of which he accounted for. Whether the evidence bears this out or not, I am not prepared to say. I have not gone into the evidence, but Judge McCreight is a man of the highest integrity and honour, and the commissioner on the evidence taken immediately before him, reports that there was that much money unaccounted for. With regard to making charges against people who are not on the floor of this House to defend themselves, I would remind hon. gentlemen that charges are continually made against persons outside this House, and it must be so, if they have been guilty of gross irregularities or malfeasance of office. You cannot have those men on the floor of this House to defend themselves. The charges must be made against them in their absence, and members are right in doing so. I think the hon. gentleman from Victoria has done this country a great service in the course that he has taken in this matter. Through his efforts a commission was appointed to ferret this matter out, and he has stopped gross irregularities in that institution, and for that he deserves a great deal of commendation from the members of this House and the country. He has the satisfaction of knowing to-day that he has carried his point, along with all the other representatives from British Columbia, because we are all in harmony in this matter. Although the hon. member and myself do not always agree in political matters, in this case, owing to Judge Drake's report and other evidence, we are all of one mind, and we have got what we wanted. There is very little use in saying more about it. The unworthy officials are where they ought to be, and I am perfectly satisfied with the condition of things as they are.

Hon. Mr. KAULBACH—We have a right, a license to make what remarks we wish and we are protected here from the legal consequences, yet I shall never deny the right of the press of Canada to comment on what we say here. If any person's veracity is impugned, or his character aspersed, the press is open to him to retaliate upon any member of Parliament and to castigate him as he deserves. No one can

stigmatize a man because he is a pensioner. or deprive him of any of his civil rights. Wellington was a pensioner. The highest men in the army and navy and judiciary are pensioners, and because they are pensioners are they unworthy of the honours conferred upon them? And is it right to say in this House that their pensions should be taken away from them when they deal with public men and public questions, and is it right to speak of them contemptuously? Every free man has a right to answer in the press, by his letters, anything said in the House regarding his position, as regards his veracity, or honesty or fidelity. If he is stigmatized the press is open to him, and I hope any man who considers himself unjustly attacked will stand up for himself, his character and reputation, and cast a search-light upon his traducer, and vindicate his honour in the press. It may be that the chief justice and the late inspector of penitentiaries may consider what has been said of them unworthy of notice.

Hon. Sir MACKENZIE BOWELL—I believe I did not answer the hon. gentleman's questions. It is not the intention of the government to dismiss Mr. James Fitzsimmons until further investigation, which will take place, I have no doubt, in the suit which he has against the press of New Westminster. If it is then proved that he is a man of the character represented, the government will deal with him. It is not the intention of the government to appoint any commission to investigate the conduct of J. G. Moylan who is now superannuated.

Hon. Mr. McINNES (B. C.)—I suppose I will be allowed to make a few remarks in reply to what the Premier has said. The hon. gentleman referred to the investigation that took place in 1889 in New Westminster to inquire into the charges that I had made on the floor of this House, and he stated that it was currently rumoured at that time that I had absented myself from the country in order to avoid being present and give evidence and make good any statements. It is the first time that I have heard of such a rumour. I left home early in May, and Mr. Moylan, the inspector, did not leave Ottawa for British Columbia to make that investigation for several weeks after I had left Canada for England. Notwithstanding that, he went out to New Westminster, a place that had only about 6,000 population, and he could not have been there twenty-four hours without knowing that I was not in the country. Neither myself nor any of my family were in British Columbia, so that the charge of evading that investigation is utterly unfounded. Hon. gentlemen who know me in this House and elsewhere will exonerate me, whatever my faults and failings may be, from the charge of being a coward. If there is anything that I despise in a man it is cowardice. And there is nothing that I have to say in this House that I am not prepared to say to any man outside of it, let the consequences be what they may. As far as taking advantage of my position to attack people here, I deny the charge; this is the first time that I made use of the term "pensioner." I did not make use of it the other day when I rose to a question of privilege. It was my hon. colleague who used the term, but I will say now that no pensioner, or superannuated official, has a right to attack a member of either House of Parliament for having discharged his public duty. I have never attacked any individual in this House or out of this House, without having had some provocation, and Mr. Moylan's attacks on me have been persistent ever since 1889, when I brought up the charge that he had made against Mr. Bellerose. That is the foundation of all the animus of this gentleman, and he has been persistent in attacking me ever since. I am sorry indeed to hear that Mr. Keary, the accountant, has not been superannuated. Any person who reads the voluminous evidence taken before that commission, and Judge Drake's report thereon, must come to the conclusion that of the three officers—the warden, the deputy warden and the accountant—the accountant is the innocent man. The only charge against the accountant for which there is any foundation is that he had in his private possession, books of a previous accountant, and did not produce them at the early part of the investigation. Mr. Keary occupies a very prominent position in New Westminster. He has been for a number of years an alderman and is yet. He is generally respected and has been the accountant in that penitentiary for the last 13 or 14 years. When he was guilty of fewer offences than the warden or Fitzsimmons, I cannot under-

stand the justice of reappointing the deputy warden and superannuating the other, while the accountant is left out. It is unjust and I hope the government will yet change their policy in that particular and place him on the superannuation list. The first minister referred to private meetings that took place at Keary's house. In fact, nearly all the statement that the first minister made here to-day is evidence that did not come out before that investigation. Very little of it is to be found in the evidence submitted to the House. It is not to be found in Judge Drake's report. It is merely the unfounded statements made by Mr. Fitzsimmons's present lawyer, Mr. Morrison, and Mr. Moylan's false reports to the Department of Justice. I do not think that these unsupported statements of men who are interested in misrepresenting the facts ought to weigh for one moment in the balance compared with the impartial statements and careful report of Judge Drake, the commissioner. There was another matter as to which the premier contradicted me, that is the coal. Judge Drake emphatically states in his report that he could find no evidence whatever that that coal was ever refunded. The premier's statement is based altogether on the assertion of Fitzsimmons himself, supported by the assertion of his counsel. The hon. gentleman in his reply never referred once to the utter violation or non-observance of the rules that I read here this afternoon, as mentioned in Judge Drake's report. There was some six or seven of the most important rules in connection with the government of that penitentiary that were completely ignored. That ought to weigh a great deal, and ought to show that Fitzsimmons was not competent to fill the position of deputy warden or any other responsible office. There is another statement which the hon. gentleman made with regard to the supplies. I state here, on my responsibility as a member of this House, that Mr. Fitzsimmons the present deputy warden, alone made all or nearly all the purchases in connection with that institution. I care not what the inspector says to the contrary. I know wherof I speak, and I am not going to follow any statements that may be thrown in as padding here and there in order to let this gentleman down gently. The fact is that he, and he alone, was the purchaser of all the supplies of that institution. Nothing could be done except through Fitzsimmons, and with respect to what I said about Judge Drake, I will not retract one single syllable. I give the First Minister credit for carrying out a pledge made by his predecessor, the late Sir John Thompson, even if it was not a bad one, but I repeat what I said this afternoon, that the next most unpopular appointment was that of the Honourable Theodore Davie to be chief justice of the province. I think the large majority of the people of British Columbia will sustain me in that statement. I am sorry the hon. gentleman declines to appoint a commission to investigate Moylan's conduct. I suppose it will come in the near future. When I made the charge six years ago against the management of the British Columbia Penitentiary, it was poohpoohed and hon. gentlemen would not think of it, but the investigation came a few years later. The government had to do it in order to save the reputation of that institution. I hope between now and the first Thursday in January.—I think that is the date that the Premier fixed for the next session of Parliament—that he will be in possession of some facts which will induce him, in the public interest, to grant a commission to investigate the conduct of Mr. Moylan.

Hon. Sir MACKENZIE BOWELL—One word in explanation. I stated that Mr. Keary was dismissed ; I stated further that he was the only officer against whom Judge Drake made a decided report, and the reason that he did it was that he had the books and concealed them, and when Mr. Foster, the accountant from the department, went out to British Columbia to make the investigation, he concealed the books and refused to give them up. He declared first that he kept no ledgers, and subsequently he was compelled to produce the books, and the excuse he gave for not producing them was that they were in such a bad state, that he kept them himself and that he was ashamed of them. I do not know anything about the coal. I stated that there was a receipt in the department showing that the coal which had been given to the Sisters was returned a few days afterwards. I did state, twice I think, that the violation of the rules and regulations to which the hon. gentleman referred indicated the gross irregularities that existed, but if the rules of the penitentiary were not adhered to by the other officials, it was the fault of the warden, whose duty it was to

see that they were enforced and that they were obeyed and not disobeyed.

## BILLS INTRODUCED.

Bill (96) "An Act to incorporate the International Railway Company."—(Mr. Lougheed.)

Bill (82) "An Act respecting the Kingston and Pembroke Railway Company."—(Mr. Perley.)

Bill (132) "An Act to revive and amend the Act to enable the City of Winnipeg to utilize the Assiniboine River Water Power."—(Mr. Boulton.)

Bill (117) "An Act respecting La Chambre de Commerce du district de Montréal."—(Mr. Desjardins.)

Bill (69) "An Act respecting the Voters' List of 1895."—(Sir Mackenzie Bowell.)

Bill (127) "An Act further to amend the Act respecting the Judges of Provincial Courts."—(Sir Mackenzie Bowell.)

Bill (130) "An Act further to amend the Civil Service Act."—(Sir Mackenzie Bowell.)

## FIRST AND SECOND READINGS.

Bill (135) "An Act further to amend the Acts respecting the North-west Territories."—(Sir Mackenzie Bowell.)

## LOBSTER FISHERIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (91) "An Act to amend the law respecting the Lobster Fishery."

(In the Committee.)

Hon. Mr. POWER—This is a bill of some consequence, and it proposes to repeal section 3 of the Act passed by Parliament last year, and substitute a different provision. I have not given the very minute attention to this bill which it deserves, but I presume the hon. gentleman from Lunenburg, who is, perhaps, more interested in it than I am, has done so. Any hon. gentleman who will turn to the Act of last year will find that this subsection 5 of section 3 provides that every case or package containing lobsters preserved, canned or cured in Canada shall, before being removed from the factory or canning establishment, where such lobsters have been preserved, canned or cured, be marked with a label, giving the address of the packer and the year in which the goods were packed. This particular provision was discussed at considerable length last session, and the object which the House had in view in passing that subsection in that form was twofold. One was to give the purchasers of lobsters some guarantee of the articles which they were purchasing, on the ground that the packer who put his name on the article, if he had any respect for himself at all, would not put up an article of inferior quality; and the other object was this, one of the things which the department complained of was that certain very small packers, people who often violate the law, packed lobsters out of season and did it in remote places, and they should not be in a position to put up inferior goods and sell them. Those were the objects which this House had last year in passing this subsection. The provision in the bill now before the House does not meet the difficulty at all. One of the great difficulties which the department has endeavoured to overcome is the fact that small packers put up inferior fish and packed out of season. They should be prevented from carrying on their business in that way, because one effect of that kind of packing is to damage the reputation of Canadian lobsters altogether.

Hon. Sir MACKENZIE BOWELL—That is packing out of season.

Hon. Mr. POWER—Then the fish which are packed in those illicit, one might almost call them, canneries are not put up with such care as fish which are packed by men of standing and who have some reputation to lose. Under the Act of last year the public, and the department, and every one has a chance to know who packed the fish, and the fish are sold largely on the names of the packers. Of course they will sell even where the packer is not known—the fact that the name of the packer is on the can helps to sell the goods. That provision is stricken out by this bill, and instead of that, all that is required is that a stamp, which I compare to a postage stamp, shall be put on each case, not on each can. Each case is supposed to contain 48 lbs. of preserved lobster in cans; the bill before us just requires

that a stamp—like a postage stamp—more like a postage than inland revenue stamp, because it does not indicate that any considerable revenue has been paid—shall be put on the outside of the case. The fact that a stamp is placed on the outside of a case containing 48 lbs. of canned lobster is no protection to the purchaser. He has no guarantee as to the quality of the article which he is buying, and it tends to leave the door open to people who put up fish that are caught out of season. It gives people who have really no reputation to lose a chance to put up their fish. I think it must strike every hon. gentleman that that is not a desirable condition of things. I do not propose to strike out anything that is here, but I should be disposed to move, as a sort of addendum to subclause 3, a provision of this sort :

(*a*). Every can containing lobsters preserved or cured in Canada shall, before being removed from the factory or canning establishment where such lobsters have been canned, preserved or cured, be marked, labelled or stamped with the name and address of the proprietor of such factory or establishment and the year in which such lobsters are canned, preserved or cured.

Hon. Mr. KAULBACH—Why not put in the date ?

Hon. Mr. POWER—As to the date, it is a fact that if the fish are properly canned and sealed and kept in a place which is reasonably cool, they will remain fresh for an indefinite period. If the fish are properly cured, and the name of the packer will be a guarantee for that, I should not wish to hamper the trade, if it is hampered by putting on the date. So when we come to sub-clause 3 of this clause I shall move that amendment. There is another circumstance to which I wish to call attention, and that is that this sub-clause 2 provides that a fee of $10 shall be paid for each such license, but on and after the first day of January, 1896, the fee shall be at the rate of $2 per 100 cases. That means a very considerable tax upon the lobster packers if they put up any large number of cases. It is not a very large factory which will not put up 5,000 cases in a season. That would mean that a packer who put up 5,000 cases would have to pay a license fee of $100. That seems to be a very considerable tax. It was stated, when the measure of last year was brought in, that it was not the desire of the government to get a revenue out of the lobster packers, but simply to enable them to supervise the business. If that is the case, I do not see why they should look for this comparatively large license fee from the packers. I may be in error—the hon. gentleman from Murray Harbour is probably more familiar with the amount of lobsters packed by a canning establishment than I am, but I think that the average establishment ought to put up about 5,000 cases in a season. That would mean that the license fee would amount to $100, which is a serious tax on a business that is not just now a very profitable one. There are some other provisions omitted from section 3 of the Act of last year—one provision with respect to the laths, or slats and rods of the traps. I understand from gentlemen who profess to know something about it, that the provision in last year's Act was not operative, that an inch and a half was too small a space, and the small lobsters did not get out of the traps. Whether it is as well to drop that provision I cannot say : probably it is just as well. I think the government has done wisely in abandoning those provisions about the marking of the boats and gear of the fishermen. Of course, we cannot alter the fee in this House, but I object to the increase in the fee.

Hon. Mr. PROWSE—I do not wish to make any amendment, but I desire to draw the attention of the Senate to one fact which appears to be a very anomalous one, and that is that the lobster fisherman is subject to a license fee and he is only allowed to fish from the 1st of May to the 15th July, while all other fishermen, the cod fisherman, the fishermen who catch smelts, herring, hake, haddock and fish of that kind, are given a bounty to encourage them in their business. The man who makes a living for himself and is a benefit to the country around him, and brings in a good valuable manure in the shape of lobster bodies and shells, is taxed to a considerable extent. In many cases they will be subject to a tax of $40 to $50 a year, which in the present condition of the lobster fisheries is not much encouragement to continue the business.

Hon. Mr. KAULBACH—I do not think the tax is very large. It hardly pays for the supervision required to see that the factories are properly conducted.

Hon. Mr. POWER—The bill does not provide for supervision.

Hon. Mr. KAULBACH—There is supervision required, and there is an expense attached to it in that way which I am sure is not met by the small tax imposed upon the the quantity of fish that a man puts up.

Hon. Mr. SNOWBALL—What are the fishermen to get for this $2? Are their fishing stands to be registered? Are they to have any exclusive right to fish in any place? I come from an important lobster fishing district, and a case occurred this season where one person along the whole coast was getting very good fishing. His neighbours to the east and west were doing little or nothing. As soon as they saw his traps taking a fair amount of fish, they brought their traps and put them right outside and inside of his, and the consequence was that nobody got a paying quantity. If they had left the man alone he would have made something. As it is the whole of them lost their season. While I feel that the lobster fishermen are unable to pay even so slight a tax as $2 per hundred cases, still in this case if the government would give them not only a license but protect them in the district in which they are fishing, and give them exclusive right of the fishing that they occupy, there will be some return for the fee. They should define how far along the coast this fishing should extend. These difficulties have arisen not only in the case to which I have referred, but they occur almost yearly. This season I myself wrote to the inspector, Mr. Chapman, asking him to come on and see what was the trouble among those men and get the matter settled. He replied that he had no jurisdiction. If we have fishery overseers and inspectors and superintendents, and whenever a little difficulty occurs they find that they have no jurisdiction, what are we paying the tax for? I am not going to object to the fee, although I think it is excessive, but some provision should be made to protect the fishermen in the places where they always have fished and that others are not allowed to encroach upon them during the fishing season. Where they set their traps they should have the exclusive right to fish, and should not move without the approval of the inspector.

Hon. Mr. KAULBACH—I am sure the hon. gentleman from Murray Harbour would not approve of that. All the fishermen have traps. They are set promiscuously and there could be no regulations made, so far as I know around my own shore in Lunenburg, by which any man would have an exclusive right to any part of the shore. They are all free and independent and should and must be so in that respect. Nobody could have an exclusive right. If that were done, a few men would get possession of the whole shore and you would not find the fishermen of Nova Scotia satisfied that any exclusive or proprietary right should be given to any man to catch fish. Such tyranny and monopoly would not be tolerated.

Hon. Mr. POWER—This license fee is not paid by the fishermen but by the packers.

Hon. Sir MACKENZIE BOWELL—It seems to me that the first objection made by the hon. gentleman from Halifax is not well founded: the fee is graduated. The poor fisherman, for whom he is so solicitous now, if he has a cannery, has to pay a license of $10. The proposition is to give a license to the smallest fisherman, those to whom the hon. gentleman has referred, for $2 which will enable him to pack 100 cases of 48 one-pound cans.

Hon. Mr. SNOWBALL—"Or 96 half-pound cans" should be added there.

Hon. Sir MACKENZIE BOWELL—Then there is the graduated scale.

Hon. Mr. SNOWBALL—Yes; for 101 cases the lobster packer has to pay a fee of $4.

Hon. Sir MACKENZIE BOWELL—No, the scale is from 300 to 400 cases $4, from 300 to 500 cases $6, and so on. That really is dividing it so that the poorer man, who lives by the catching of the fish, is able to can them by paying $2 for 100 cases, instead of $10 as now, and the large wealthy factories pay more.

Hon. Mr. POWER—There are no wealthy factories.

Hon. Sir MACKENZIE BOWELL—This is the deliberate judgment come to

by the Department of Fisheries. The hon. gentleman takes exception to the repeal of that portion of the Act which deals with the marking and placing of the name and date upon the case. I am informed that when a merchant in a foreign country purchases a large quantity, he will not pay as good a price for them if they are say 100 100 cases from one factory, 50 from another, 25 from another, and so on. It is said that the placing of the name on the packages is a guarantee of their quality. If I am correctly informed, while there are a few packers who have a reputation, they are constantly and continuously changing, so that the name, except in the case of a very large factory, would be no guarantee whatever. The objection raised by the hon. member from Halifax, that there is no guarantee as to quality on the ground that the fish may be caught out of season, is met in this way. The stamps are sent free from the department, the canning factory is debited with the number applied for. The very moment that the season for fishing closes, a demand is made upon the factory for a return of all the stamps that they may have in their possession. They have to show the number of cans or packages that have been used, and the balance must be returned or accounted for in some way, and if it is shown that the packer has used them out of season, he subjects himself to the penalty of the law. That is the explanation that Mr. Prince, the scientific gentleman connected with the department, gives as the reason why that change was made, and he said, from his long experience, he was quite satisfied it would not only relieve the fishermen of a great amount of unecessary labour that they performed, but also make the article command a better price in the foreign markets. My hon. friend from Chatham will see, from the intimation that I have given, that it is not so hard on the poor fishermen as he has indicated. There is something in the remark made by the hon. gentleman from Prince Edward Island, that he cannot understand why the lobster factory should be taxed with a fee, whilst the government pay a bounty to the cod and other fisheries. I am not in a position to give as satisfactory an answer to that as I should like, but I presume it is for the purpose of governing and controlling and keeping a thorough and efficient inspection over this particular trade. I know very little of the lobster fisheries, but it seems to me that they have to be protected in a very different way from the cod or deep sea fisheries. If indiscriminate fishing were allowed the lobster fishery would soon be depleted. With this explanation, I hope my hon. friend will not press the amendment, because the provisions of the bill have been made after one year's experience in which it has been found that it would be most detrimental to the lobster fisheries.

Hon. Mr. KAULBACH—I was in hopes that my hon. friend would confine himself to the clause before the House. I am with my hon. friend from Halifax in his contention with regard to the name of the packer and the date, and that there has been unnecessary tinkering by officials who pretend to be experts.

Hon. Mr. LOUGHEED—We have not reached that question yet.

Hon. Mr. KAULBACH—But the Premier has violated the rule by going into the remarks of the hon. gentleman from Halifax, and I want to speak as to that and then I am done. I do not think the Premier has met the remarks of the hon. gentleman, because I can name men who are noted for putting up the best fish, in the best order and in the best condition, and they have a trade mark which they put upon every can. By this bill, you just open the door to illicit business by an inferior class of people, in some remote corner. You enable them to put up fish at a time when they should not be put up, and there is no way for protecting the public and the consumers from those people except the way you did last session. I think the amendment should be made, and there should not only be the name of the packer, but the date also on which the canning was done, labelled on every can. I consider it of great importance that the name of the packer should go on each can, and the year also is essential. The hon. member from Murray Harbour, speaking the other day, convinced me that that was necessary, because, he said, the deterioration of the contents of the cans was not the fault of the packing, but was due to the inferiority of the tin used. The packages corrode unless the very best metal is put in. The purchaser cannot tell how long the fish has been put up. There

is nothing on the label to tell that, and we know that in two or three years the cans will decay and deteriorate and the fish will be destroyed. The hon. gentleman from Murray Harbour admits, himself, that fish may be put up in inferior tins, and the purchaser has no means of judging for himself, unless he knows how long the lobster has been packed. But without knowing the date the purchaser cannot tell whether he has got a tin put up last year or ten years ago. It may be well for the hon. gentleman from Murray Harbour, who is interested in the business, that the tins should have no mark indicating when the fish was put up, but my desire is that the consumer should know the date of the canning. The consumer, the man who buys the fish, is the man we should protect. We should see that he gets a sound article, and the tin in which the lobster is packed has not deteriorated, and that can only be done by putting on the date of packing. We had that matter before us last year and it met with the approval of the Premier himself. I do not think Mr. Prince or any other scientist can change my mind as to the necessity of having the date on the tin. It is necessary that the consumer should know the character of the fish and the risk he runs in buying a can that may be one year old or ten years old.

Hon. Mr. PROWSE—It appears to me the hon. gentleman is speaking from the consumer's standpoint, and he is anxious that he will not be deceived in buying canned lobsters and will get value for his money. In my opinion the name of the packer on the can, or on the case, will not guarantee him a good article, and no quality of tin will guarantee him a good article. The tin is subject to corrosion, but I will give him an infallible rule by which he can tell whether the lobsters are good or not. If he finds the ends of the can convex it is safe, but if the ends are swelled out or full, it is a bad can. The more compressed the can is at the ends or at the side, the surer he will be of getting a good can of lobsters.

Hon. Mr. SNOWBALL—In reference to the latter part of sub-section 2, the fee shall be at the rate of $2 for 100 cases or fraction of 100 cases; that is not what the hon. gentleman proposes.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SNOWBALL—One hundred cases would be $2 and 101 cases would be $4.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SNOWBALL—Each case to contain 48 one pound cans. Now, in some districts lobsters are packed in half pound cans, and I do not think there is any provision made for that in the Act. We should add a provision, I think, as to half pound cans. I have spent my life on the sea coast and have been interested in this business and know something about it.

Hon. Sir MACKENZIE BOWELL—Are there two pound cans?

Hon. Mr. SNOWBALL—Very few.

Hon. Mr. POWER—Does not the hon. gentleman think this is rather hard on the packer?

Hon. Mr. SNOWBALL—I do, but I was not here in time to make any suggestion. We might say 24 2 lb. cans, or 48 1 lb. cans, or 96 $\frac{1}{2}$ lb. cans.

Hon. Sir MACKENZIE BOWELL—We might let that stand till the third reading and then I will see whether the suggestion is a reasonable one.

Hon. Mr. SNOWBALL—Could not we put it 2c. a case?

Hon. Mr. ARSENAULT—That is what it is now.

Hon. Mr. SNOWBALL—No.

Hon. Mr. POWER—I think this clause 2 is all wrong, and I may mention a circumstance which took place during the recess which goes to show that the hon. the First Minister, is not *au fait* as to what the meaning of this is. It will be remembered that when the bill was introduced in this House last year, one of the objections which was raised to the clause, the place of which is now taken by subsection 5 of the Act of last year, was that it would necessitate an officer of the department going into every cannery and being present when the fish were put up, and it was felt that that was quite impracticable, and this House struck out that provision. After Parliament had risen some few weeks, an advertisement appeared in the papers in Nova Scotia

purporting to be from the Inspector of Fisheries in Pictou, Mr. Hockin, calling upon all lobster packers to bring their fish to be inspected by an officer of the department. There was no law for this—no authority for it under the law—and I wrote a short letter to one of the newspapers, pointing out that Mr. Hockin had no right to call upon packers to bring their fish to be inspected. I ascertained that this notice was not put in the paper by Mr. Hockin, but by one of his subordinates, and I notice that that subordinate spent the early part of this session at Ottawa, and I am satisfied that this enactment which we have now is the result of the visit of that subordinate officer here, whose duty it would be, I think, to see that the stamps are put on those cans. Legislation is provided to give him something to do. I quite agree with the hon. gentleman from Chatham that requiring $2 for every fraction of 100 cases is very unreasonable. The real intention of this is that there shall be a two cent stamp put on the case. If a man has 100 packages he pays $2 and he gets 100 stamps and he puts one on each package, and each package is worth two cents and it would be much simpler and fairer to say that there shall be upon each package a two-cent stamp.

Hon. Sir MACKENZIE BOWELL—I shall look into that.

The clause was allowed to stand.

On subsection 3,

Hon. Mr. SCOTT—I wish to say a few words from the consumer's standpoint. I remember last year we had a very exhaustive debate upon this question of whether year by year the contents of the can underwent any change, I fancy we all have had some experience of tin cans, because there are so many kinds of canned goods now put up. We must all acknowledge that year by year there is deterioration, unless the tins are kept in a dry place in a particular temperature, which is quite unlikely. In most of the storehouses, a deterioration will take place. A larger number of cans in each case will spoil, and, therefore I think, in the interests of the Canadian trade for lobsters, it would be highly important that the year should be stamped on. That seemed to be the universal opinion of the House last year after fully discussing it, because if the year is on and the purchaser buys a can of two or three years back, he takes his chance whether he has got a good article or not. If he takes it the current year, or the year after, he knows what the article will be, and I should like to take the sense of the committee as to whether it is not wise to continue the law as it is on the statute-book.

Hon. Sir MACKENZIE BOWELL—With the date?

Hon. Mr. SCOTT—Yes. Last season the year had to be marked. It would come in section 3 after the word "fisheries," "and shall also be stamped with the year in which such lobsters are canned." As to the name I do not profess to express an opinion on that. There are many small men whose names would not be known abroad, and the names would not bear much significance, but the date is an important thing. We know that the fish will deteriorate in years. The tin is thin and if subjected to any sort of damp and heat, it will rust at once and the moment the rust commences the lobsters will spoil.

Hon. Mr. SNOWBALL—I do not agree with what is being said about the date. I think it will be very injurious to the packers to put the date on. There is a misapprehension about this whole business. Hon. gentlemen talk about small packers. There are small packers, and there are a great many illicit packers who do not obey the law and do not stop in September or October. The law is grossly violated in some portions of the lower provinces.

Hon. Mr. SCOTT—In Prince Edward Island.

Hon. Mr. SNOWBALL—Between there and New Brunswick, and the parties on both sides are equally guilty. They were fishing there in November last year, and although the inspector of fisheries lives in the county and does protect the fishery up north, yet at his very door it is not protected. I consider that the label on the box will protect to some extent. Certainly the country storekeeper could take them out of the box and put them on the shelf, and as the tin is not marked, it cannot be traced, but the retail trade for lobsters in the lower provinces is almost dead. It is an article put up for export, and it is a business that re-

quires large capital. A man cannot go into the business unless he has capital. He has to have four or five good boats and a number of traps with a large amount of line and anchors and a lot of outfit that generally involves an investment of two or three thousand dollars. This outfit is generally supplied by merchants that take the output from a great number of establishments. In the district of Miramichi, I think, there are only three exporters. There are, however, hundreds of packers and to put the name of the packer on the case would be detrimental to the sale of the fish. If I am in the packing business and I make advances to a number of people, it is my interest to see that those fish are properly packed, and when they are sold, they are not sold on the merchant's representation ; no one knows anything about the packer. That is the way it is done in that section of the country, and I think these people might be taken as a standard of the character of packers and shippers. Then I in turn contract for these fish in London, which is the great market for them, to deliver so many cases at certain months in the year. When it comes to the end of the season the buyer will say "I am not going to buy any of your fish with '95 put on it ; I want '96 pack." If the fish were only retailed among our own people, it would be well enough to mark them, but they are shipped to Europe, Australia and other parts of the world.

Hon. Mr. POWER—You would not send old fish out there ?

Hon. Mr. SNOWBALL—I just send what I can sell. No, I would not sell old fish or inferior fish out there, but there are certain known labels in our district. One is a deer's head, another a horse's head, and we register those marks in England and have the exclusive right to use them. We register them in England because there is where our general market is, and all try to work up to a good standing. I do not object to put the stamp on, because I think it would be a protection against those people who pack fish out of season. I never saw any man that knew the exact season lobsters should be caught. We know very little about them. We are only allowed to catch lobsters from their first coming to our coast until the 15th July, and I believe that is the very time we should not catch them ; but if you prohibit the catching of fish at that season we could not get them at all. They talk about fish loaded with eggs, and you ask the fishermen to save them and hatch the eggs. That is a move in the right direction and if it can be successfully done I believe the government should take the most stringent measures to have it enforced, because I have been engaged in fishing and have had to do with the business in the Maritime Provinces. I was brought up in the neighbourhood of that business and I have kept my eye on it all my life and am now more or less engaged in it, and when I assisted people years ago to go into the lobster business, we despised fish that did not weigh a pound, but we are glad to-day to get six lobsters to fill a one pound can. The fishing is not done by poor men. They may be reasonably poor, but they have to get large advances made to them ; and the great body of the fish pass through the hands of two or three recognized dealers, and the original packers would not be known. Their names would be injurious, the date also would be injurious in the European markets, but the label and stamp we put on I think may be of some benefit. Careful dealers examine every can that their label is put on. They have regular inspectors, who go over them and see that every tin is not less than 19 ounces. Every can that goes out of the establishment is tested and the name is put on the tin only after being fully satisfied of the quality. The case is then wire-bound and sent to Europe. For our own reputation we have to do that. It appears to me that the person who got up this bill did not really understand the details of the fish business. With regard to putting the stamp upon the cases, if the government would provide us with them promptly I would not object to it, but I would remind the government that the fishing commences about the 1st of May and the fish do not come on our coast till this date, and sometimes much later, and the first fish on the market are generally worth a shilling or two per case more than later shipments. If any hitch occurred in the stamps not getting there in time, it would be very injurious to the trade.

Hon. Mr. KAULBACH—We commence in March.

Hon. Mr. PROWSE—I quite agree with the hon. gentleman who has just spoken in

reference to the reduction in the size of the lobster of late years and I attribute that very largely to just the course which gentlemen have taken exactly in the same position as my hon. friend Mr. Snowball, men with capital who have induced parties here and there to go into this business and have reduced the fish to the miserable dimensions they are to-day. It is within my recollection when the lobster industry was first started, and it was started by men of means who had considerable capital and who put up substantial buildings, and hired the men, provided the traps and it cost from $5,000 to $10,000 to start a lobster factory in that day before any returns were available, and they exported their fish and they had a good reputation; but of late years speculators and men of means have induced poor men, who never should have gone into the business, to embark in the canning industry and have furnished them with every material they required, and made a commission out of it. My hon. friend from Chatham does not pack lobsters; he makes a commission and he puts the first class label on the best fish he can get, and another label on the second class and a third label on the very doubtful fish.

Hon. Mr. SNOWBALL—Oh, no.

Hon. Mr. PROWSE—There are speculators who have three or four labels, and that is one reason why the lobster fishing has gone down as it has to-day. You cannot exhaust the lobsters; but you can reduce the size of lobsters and thereby make the business unprofitable. But the time is fast approaching when the lobster packers will be exhausted and the lobsters will get a chance. I would suggest to the government that the most effectual way is to insist on the close season being rigidly enforced. This season is not observed by the small packers, who are sustained and backed up by the speculators with their money. If the inspectors do their duty this will be remedied.

Hon. Mr. SNOWBALL—It would ruin the whole business if a man bought fish that he had any doubt about and sent them into the market; it would injure the trade. If people read in a paper that a family were poisoned by eating bad lobsters the public would not buy lobsters for weeks. We want the government to assist us in having the law carried out. The fishing season on our coast is only about six weeks.

Hon. Sir MACKENZIE BOWELL—I frankly admit that I am not an expert on this question; consequently I have to take the memo. placed in my hands by those who are supposed to understand the business in the department. I am not going to discuss the question as to the proper close season. The same reason would not answer for all sections. There would be a difference between the southern coasts and the northern coasts where the cold waters come down from Hudson Bay. Wherever it is cold it takes a longer time for the fish to mature. The law provides for marking the packages with name and date, and the hon. gentleman thinks that that should be retained. The present bill provides for a simple stamp which is supplied by the department, and the packers are charged a fee for carrying on the trade. The scientific men of the department say that these changes are solely in the interests of the trade itself, and the fishermen and the parties who purchase like my hon. friend on my left (Mr. Snowball). If my hon. friend would allow this clause to go, we will try it. If it is found not to answer well, next year we can do what we did this year—undo the past.

Hon. Mr. SCOTT—I have not heard any substantial reason why the date should not be put on, except that it is in the interest of the exporter to deceive the public. The hon. member gave the illustrations that he did not want the consumer in 1895 to know that it was fish that was packed in 1894. I do not think that is a very good reason. There is a strong presumption that the fish has deteriorated, or else the exporter would not want to deceive the public. Last year we felt it was necessary that the time should be put on the package and we felt it necessary in the cheese business; so much so, that it was insisted that the month should be put on. We find a September cheese will be sold for a June cheese.

Hon. Sir MACKENZIE BOWELL—That is the proposition before the Commons.

Hon. Mr SCOTT—It has been discussed at the meeting of the cheesemen.

Hon. Sir FRANK SMITH—They do not favour it.

Hon. Mr. SCOTT—I suppose they would like a little opportunity to deceive the public, but there is no one who gives any thought or reflection to it who will not admit that it is a most important consideration, and if we are to maintain the standard the year should be put on. There can be no reason for suppressing it, except to deceive, and I do not hesitate to say that anybody who has any experience will know that after the cans are two or three years old, it is dangerous to buy them. I have gone into a store and said: "When was this put up?" I can tell by the can; it begins to look rusty; it looks larger than it should, and there is fermentation going on inside. It is not right that we should palm off on the public an article which should be destroyed. Those cases of poisoning are due to the fact of the article not being well enough put up to keep for a term of years. Any article well put up will keep for the current season, but owing to the quality of tin used, a very small amount of rust which would not be visible to the naked eye, but would be sufficient to allow the can to decay.

Hon. Mr. Sir FRANK SMITH—I have been in the trade for 40 years, and there was no such thing as the date being put on, and I find no difficulty in disposing of the goods. During my whole career I scarcely could get sufficient lobsters to carry me over, from one season to the other, and we found no difficulty whatever with regard to the date. A purchaser would come in and say "What brands have you on hand? Is it the 'reindeer' or the 'horseshoe' or what is it?" and that is all they would ask. We were legislating in the direction of doing good to all in this country, and by this course you are not doing any harm whatever. I have never found any difficulty as regards the date.

Hon. Mr. POWER—This House, after discussing the matter at considerable length, last year deliberately resolved that it was in the interests of the public that the name of the packer should be put on the can. Hon. gentlemen say that that will interfere with the business. The hon. gentleman from Chatham said it was not necessary to have the packer's name on, and then the hon. gentleman told us that he was particularly careful as to the selection of the fish, and that he put his own brand on the packages and that brand sells them. That is just exactly carrying out our argument that you want to know who has put the fish up; who is responsible for the fish. The hon. gentleman from Toronto, who has just spoken, said he would ike to se what the brand was; was it "Reindeer," or "Kingfisher" or what brand. That is exactly our contention, that packers have a reputation which will sell their fish, and we contend that the packer's name should be on the cans. It happens that the business in New Brunswick is a little different from what it is in Nova Scotia. I know of one case that of a packer who does not put up a very large number of fish, but who packs himself, helps in the work and superintends the work; he has been at the business now for some 35 years, and his fish have such a reputation, both in the United States and England that they command anywhere from 10c. to a shilling more per package than the ordinary run of fish, and there was a packer in Newfoundland, Burns, I think, whose fish were sold in the same way.

Hon. Mr. SNOWBALL—Those fish are larger and better than ours.

Hon. Mr. POWER—This packer had a good reputation. We passed that law last session, and I think we have no reason to suppose it is not satisfactory. Now, the hon. leader of the government tells us that there is a gentleman with scientific acquirements in the employ of the department, who thinks another plan would be better. I should be quite prepared to defer to the scientific gentleman on the question as to just what time the lobsters spawn, or any question of that sort; but when it comes to a question as to what is the best commercial policy, I do not think the opinion of the scientific gentleman is worth as much as the opinion of the average every day citizen, and particularly if the scientific gentleman happens so come from a foreign country, and not to be familiar with the business as it is carried on here. I contend this bill, as we have it now, does not guarantee anything at all. The putting of a revenue stamp on the outside of a case does not guarantee that the fish are of good quality, or by whom they have been packed, or how they are packed, and we are giving up the guarantees that we did have for good articles, and putting nothing in their place. It was stated by the first minister that each packer bought so many stamps. Now, take the

case of a large packer who employs fishermen who put up fish in an inferior way; the large packer buys the stamps and they are put on the cans and he sells them.

Hon. Mr. SNOWBALL—If you get an inferior quality, a good dealer would not pack them with his mark.

Hon. Mr. POWER—That may be a true proposition, apparently, but any one knows that, although you would suppose that honesty was in every case the best policy, it has been found impossible almost in any part of the country, to induce people who put up fruit to pack them honestly. It is the same way with regard to fish. I am surprised that the first minister who concurred in this amendment last year, which I think did credit to the Senate, should be prepared now (to use a familiar expression) to go back on his own record and repeal what we did last year. The hon. gentleman from Chatham said something about having the brand of his concern on the cases. I can see no difficulty about this. Suppose the person who actually packs the fish puts his label on the can, the cans are sent to my hon. friend's establishment and he puts his brand on the outside of the case. The buyer has two guarantees, that of the packer and that of the wholesale merchant.

Hon. Mr. SNOWBALL—The retailer wants the brand of the dealer himself. The person who buys a pound can of fish is the man you want to deal with.

Hon. Mr. POWER—There are several amendments proposed to this bill, and I think we might rise and report progress.

Hon. Mr. ARSENAULT—I believe the hon. Senator for Halifax knows a good deal about law, but he knows very little about lobster packing and marketing. These amendments of his are of no use, and the hon. gentleman should not be wasting the time of the House discussing them. In the first place, each can in a case is labelled. Every exporter has his label with his own name and trade mark on that is put on the can and it is sold by that name and mark. If you are going to put it on the case, whose name are you going to put on? Say Mr. Jones packs fish for me —are you going to put Mr. Jones's label on the cans and mine on the case? That would be of no use and would be misleading. The stamp alone, without the man's name, is what is wanted. It is required to show that the packing has been done in season and that is the only utility of the stamp on the case, but the label shows who is responsible for the fish and no man buys fish without examining the quality. He tests and samples them when he buys. Then he has the guarantee of the exporter. I do not see any use in wasting the whole evening here by people who know nothing at all about fishing or packing. I do not know if they could tell a a lobster from any other fish when they see one. As to the license, as has been said before, all other fishermen get a bounty for fishing. The poor lobster packer, if he packs 100 cases of fish, has to pay $2. I do not know why he should be punished and other fishermen rewarded. If such is the law, I am not going to protest against it just now, or offer an amendment; at the same time I do not think it is fair. If packers packed as many lobsters as the hon. gentleman from Halifax mentions they would be doing well. He says a factory will pack 5,000 cases on an average. In our province a packer will pack probably 500 in a season. I do not know two packers that put up 1,000 cases each. They have to contend with many difficulties there that are not experienced in Nova Scotia, and yet I would like to hear of the name of one canning establishment which puts up 5,000 cases in a season in Nova Scotia or in the Gulf of St. Lawrence. If a man puts up 5,000 cases he can afford to pay the tax. I would be willing to pay $500 if I could put up 5,000 cases. But a poor man, who has to go to the expense of packing and puts up only 200 cases and has to pay $4, feels it a good deal more than the man who puts up 5,000 cases and pays $100. I think there has been enough said about the stamp.

Hon. Mr. POWER—I move that this be inserted as paragraph *a*:

> Every can containing lobsters preserved or cured in Canada shall, before being removed from the factory or canning establishment where such lobsters have been canned, preserved or cured, be marked, labelled or stamped with the name and address of the proprietor of such factory or canning establishment, and the year in which such lobsters are canned, preserved or cured.

I might be allowed to make one observation with respect to the remarks made by the hon.

gentleman from Prince Edward Island. I presume the hon. gentleman knows a great deal more about lobster fishing than I do, although I think he overestimates my ignorance. I have caught a good many lobsters and I have seen lobsters packed, and I think I know a little about packing, too, but if the hon. gentleman knows so much more than the rest of us he ought to be a little considerate and not exult over our ignorance.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman reminds me of a remark that I heard made some years ago in the old House of Parliament, while I was sitting in the gallery. One gentleman administered a castigation to another on a question of law. Henry Sherwood, who was then Attorney General for Upper Canada, told me he supposed he knew all about the law, because he sat beside the Speaker and rubbed garments with him. I suppose the same remark might be made about my hon. friend and myself on the question of lobsters. The whole object of the department is to simplify the law.

The amendment was declared lost.

Hon. Mr. LOUGHEED, from the committee, reported progress, and asked leave to sit again.

## THIRD READING.

Bill (134) "An Act to legalize payments heretofore made to the general revenue fund in the North-west Territories of certain fines, penalties and forfeitures."—(Sir Mackenzie Bowell.)

## THE WINNIPEG AND GREAT NORTHERN RAILWAY.

INQUIRY.

Hon. Mr. SCOTT—Before the House rises, will the hon. premier be in a position to inform us whether it is intended to bring down legislation with regard to the Winnipeg and Great Northern Railway? I understand it is proposed to bring down some legislation with regard to it.

Hon. Mr. BOWELL—No, I think not. My impression is that the Finance Minister stated there was to be no further legislation of any important character except, of course —he did except at the time—remedial legislation. I am not aware of it.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Tuesday, 9th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## SECOND READINGS.

Bill (117) "An Act respecting La Chambre de Commerce du District de Montréal."—(Mr. Desjardins.)

Bill (13') "An Act to revive and amend the Acts to enable the city of Winnipeg to utilize the Assiniboine River water power."—(Mr. Boulton.)

## THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. SCOTT—Before the business of the House is proceeded with, perhaps the Premier will relieve the tension in Parliament and the country as to the foundation for the uncontradicted statements that have been made that certain resignations have been sent in. Parliament, I suppose, has a right to be informed at the earliest possible moment when the Premier is in a position to do so.

Hon. Sir MACKENZIE BOWELL—I am not in a position at the present moment to gratify the laudable curiosity of the hon. gentleman who has put the question. I hope in a very short time that I shall be enabled to relieve the tension of public opinion to which he has referred.

## CIVIL SERVICE SUPERANNUATION.

MOTION.

Hon. Mr. POWER moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a return showing:—

The names of all persons who have been superannuated or whose superannuation has been de-

cided on by the Government since the first day of November last, with the age, length of service, salary, superannuation allowance, and the ground of superannuation of each person, together with a statement as to each person as to whether the vacancy caused is to be filled or not, and if to be filled, in what way?

He said:—I shall endeavour not to be any longer in addressing the House than my hon. friend from British Columbia was yesterday. I call attention to this matter, not because I have any special interest in any of the persons who have been superannuated in such large numbers recently, but merely as a matter of public interest. I have no information as to the cause of these superannuations, but I imagine that a good many of them will be accounted for as being made under section 11 of the Civil Service Superannuation Act. That section provides that if any person to whom the Act applies is removed in consequence of the abolition of his office or for the purpose of improving the organization of the office to which he belongs, or is removed to promote efficiency and economy in the Civil Service, the Governor General in Council may grant a gratuity in addition to the superannuation allowed. I presume that several of those superannuations will be defended on the ground that they are made under that section. Of course, economy is a very desirable thing, and it should be secured with due regard to efficiency by any fair and reasonable means, but I think there are other considerations also which should be borne in mind in dealing with a question like superannuation. There are questions of justice and questions of policy. I may be in error, but my own view about the matter is this, that when a person qualifies himself for the civil service, when he passes the regular examination, if an examination is necessary, and is received into the service and becomes a permanent employee of the government, there is a contract or quasi contract between the civil servant and the government, to the effect that, while the servant is able to discharge his duties in a satisfactory way, and does so discharge them, and gives no reason for complaint as far as he is concerned, he shall not be removed until the period indicated by the statute when he becomes over age, or when he has served his thirty-five years. Certainly, if hon. gentlemen do not regard that matter just as I do, everyone will feel that, if there is no fault on the part of the employee, at least he should have reasonable notice of the intention of the government to remove him from office. Now I understand, with respect to a number of those gentlemen, the notice of whose superannuation we have recently seen in the press, they were given no notice whatever. In some instances I believe the official notice of dismissal was the first intimation they received of the fact that their services were being dispensed with. What was the position of some of those gentlemen? In one case the official had a salary of about $1,200 a year, and I understand that he has a wife and three or four children. I am not aware that any complaint whatever had been made as to the manner in which he discharged his duties. He receives a superannuation allowance of $350. What is a man who has passed middle life to do when he is cast adrift in this way? He cannot live on $350, and his age and the work of the service disqualify him from going out in the world and starting anew. So that it seems that there are other things to be considered besides economy, however, desirable it may be in itself. There is another objection which I take to this wholesale superannuation, in addition to the one which I have indicated, and that is that it destroys the civil service as a career. If a young man is thinking of what he shall devote his life to, and if he feels an inclination for the public service, the fact that he may be summarily dismissed at any time without any cause on his part, is enough to prevent him from entering the service; and if we are to have a respectable service composed of efficient officers whose hearts are in their work, there must be some feeling in the minds of those servants that their positions are reasonably permanent, that while they are efficient and while they conduct themselves properly they will not be summarily dismissed. That is a proposition which must commend itself to every hon. member. There is another objection to this course. The deductions made from the salaries of civil servants were originally intended to meet the calls made upon the treasury for the allowance given to servants who were retired, but when officers having large salaries are superannuated in this wholesale manner, it must be seen that this fund cannot fulfil its purposes at all, and when we come to look at the figures for the last year we find how this fund has been loaded down. For the year ending the 30th

June, 1894, the expenditure for superannuation was $262,302 ; the revenue which ought to have met this expenditure was only $63,093. So that the revenue fell short of the expenditure by $196,000. Now, hon. gentlemen, that is a very serious drain——

Hon. Mr. McINNES (Burlington)—It was not intended to be self-sustaining, was it?

Hon. Mr. POWER—Pretty nearly. It ought to have been self-sustaining, and at any rate the expenditure was intended to bear only a reasonable proportion to the revenue, but here we have an expenditure four times the amount of the revenue. I wish to direct attention to the manner in which this expenditure is increased. For the year ending the 30th June, 1877, the expenditure was $104,828, about 40 per cent of what it is now.

Hon. Mr. REESOR—What was the revenue then?

Hon. Mr. POWER—The revenue was $40,808, the expenditure was one-third and the revenue about two thirds what they are now. Now there is a balance against the country of nearly $200,000. As I stated before, it will be claimed that the country will save the salaries of some of these gentlemen, that their places will not be supplied. That is true, but it is probably not true of nearly the whole of them. And this economy is purchased at the expense of justice and sound policy, and the economy is fitful and inconsistent. I understand it is alleged that we shall save $9,000 in the Secretary of State's Department by the dismissals which have taken place there. Now, hon. gentlemen, we could save a great deal more money in that department without any injury to the public service by abolishing the printing bureau and returning to the method of having our printing done by contractors which prevailed in former years. We should save a great deal of money, and as far as the experience of this House is concerned at any rate, get our printing done much more promptly and more satisfactorily than it has been done of late. I do not mean to say that the actual work of printing is not as well done as it was before, but I say the printing is not done as promptly as when it was done by contractors, and I commend to the government the printing bureau as a field where they can exercise their economy to a good purpose and to a considerable extent. But as I stated, this economy is fitful and inconsistent. Let us look at the cost of civil government, which is a very fair test of the economy or the reverse of an administration. I find that in 1878 the total cost of civil government was $823,369.80. For the fiscal year, ending the 30th June, 1894, the expenditure was $1,402,279.40, an increase of seventy per cent. I wish in connection with this matter to call the attention of the House to the fact that we have had on several occasions bills introduced here at the instance of the government for the purpose of paying to the members of this House and more especially perhaps the members of the other House, sums of money to which they were not entitled even under the liberal interpretation given to the indemnity section of the Act respecting the Senate and House of Commons. Where gentlemen have preferred to go home and attend to their own business rather than attend to the government business, we have had the spectacle of the government introducing, session after session, measures to pay those gentlemen for the time that they were absent from Ottawa as though they had been here attending to their duties ; and it will be remembered that last session the attention of the government was called to the construction which had been put on the indemnity clause of the Act respecting the Senate and House of Commons, which I think was admitted by every one was never contemplated by Parliament when that Act was passed. Gentlemen who attended one, two or three days each session drew their mileage and more than one-half of the sessional allowance. Now, the government which is so anxious for economy that it has to dismiss a number of respectable and worthy people, whose appointments were supposed to last during good behaviour and efficiency, finds itself unable to make a considerable saving by a very small amendment in the indemnity section of the Act to which I have referred. I think you must all agree with me in feeling that if the government wish to be economical there are other directions in which they might exert themselves to better effect than in the direction of dismissing almost without any notice, servants against whom, in some cases

at any rate, there are no complaints. Of course, if there are well grounded complaints against a civil servant he should be dismissed, not superannuated. If there are no complaints against him and he is doing his duty properly, I do not think he should be superannuated until the proper time has come as contemplated by the Act.

Hon. Mr. MACDONALD (B.C.)—I have great pleasure in seconding the motion so as to bring it before the House. The hon. gentleman from Halifax has made an excellent speech, one which I think the premier cannot find fault with. He has raised his voice, as every hon. gentleman should, when he sees any case of oppression or injustice: that is one of the functions that specially devolves upon the Senate. I propose to stick closely to my notes in dealing with this question, because I know the eagle eye of the Premier is on me and that he will dissect anything that I may say which is amiss. I have been very much surprised at the recent superannuations of six gentlemen out of the civil service, and the apparently harsh manner in which it was done. Here we find six gentlemen in the midst of their daily routine duty, against whom there is no complaint of any kind—without a note of warning, without preface, without even one hour's notice in which to make any other preparation, have papers placed in their hands, informing them, in the most summary manner, that their services are no longer required. Such treatment I will not trust myself to characterize in language suitable to the occasion, but if there are words in the English vocabulary strong enough to define the treatment of those gentlemen, then those words may be considered as having been applied. This has been done on the score of economy, a very commendable thing in itself, but does this country, which pays the bill—does Parliament approve of this economy, at the cost of inflicting a serious hardship on deserving gentlemen—cutting off suddenly a large portion of their means of living? A minister is to be commended who carefully looks into the working of his department and lops off the useless branches, but it must be done with discretion, and with as little harshness and cruelty as possible, to merit commendation, always remembering that civil servants have the same feeling and are made of the same flesh and blood as ministers are made of. If gentlemen on the permanent civil list, who have served for years, can, without a moment's notice, be reduced and superannuated without proper cause—as to age or inability for duty or misconduct—then what security in office has the most faithful civil servant? If the Act allows this summary power of treatment, it is time the Act were changed so as to afford reasonable protection to public servants. I refuse to believe that the Prime Minister would sanction an act of this kind. I cannot believe that the Prime Minister, an English gentleman, who from his youth has imbibed the noble principles of equity and fair-play—a gentleman whom we admire as much for his honest pluck and courage as for any other quality—can approve of such harsh treatment of all public servants. I understand that frequently in making superannuations several months' notice and warning has been given the parties interested. This is right and proper, and softens the blow to fellow creatures, and eases the pang of suspension. Had reasonable warning been given in these cases I would not have alluded to the subject. I am not commissioned to speak for any one, but having smouldering in my breast some ideas of justice and the fitness of things, I would consider it cowardice not to do what I am now doing. Having told Mr. Morgan that I was going to allude to his case in the House, he handed me some testimonials to present to it. I know a little of the circumstances in his case, but not in that of the others, and the Prime Minister knows much more of his case than I do, and how very capable and efficient he has been in his own line of duty. Mr. Morgan has been punished severely by eight years deprivation of place, pay and good name, for an offence which upon investigation by Sir John Thompson and others was satisfactorily explained, and to some extent the stigma removed. On my arrival here this spring Mr. Morgan informed me that Mr. Patterson, Mr. Costigan and Mr. Dickey, Secretaries of State at different times, had been very fair and considerate to him, and gave assurances to reinstate him to his former position or to one equally good. Our hon. Prime Minister had also promised to help forward his case when it was reported on by the Secretary of State, and all that ends in blighted hopes, bitter heart-burnings, and deprivation of well-earned place, and

emoluments. I shall now read the testimonials that Mr. Morgan placed in my hands. The first one is from Judge Harrison who was, at the time he wrote, Deputy Attorney General, before the office of Minister of Justice was created :

TORONTO, 16th April, 1860.

I know Mr. Henry J. Morgan of the office of Hon. Executive Council, and believe him to be not only a most deserving but most trustworthy and painstaking young man. Of late he is much improved in education, solely by his own exertions in spite of adverse circumstances, and is, I think, well fitted for a junior clerkship in a permanent office. His conduct is exemplary and his career so far entitles him to much consideration from anyone entitled to further the interests of a deserving young man who is the support of a widowed mother.

ROBERT A. HARRISON.

I entirely concur in the foregoing testimonial.

(Sgd.) E. A. MEREDITH.

I cheerfully bear testimony to the character above given of H. J. Morgan, having known him for many years.

(Sgd.) W. H. LEE.

Then, we have Mr. Meredith himself, writing as follows to Mr. Morgan :

THE SECRETARY OF STATE FOR THE PROVINCES.
3rd May, 1873.

DEAR MR. MORGAN,—In compliance with your request I have much pleasure in stating that I have known you intimately since you became connected with the Civil Service of Canada, many years ago, and that I can testify that by your general good conduct and your persevering efforts to improve yourself, you have earned for yourself the esteem and good opinion generally of your colleagues in the service. Wishing you every success,

Believe me, truly yours,

(Sgd.) E. A. MEREDITH.

Then our respected clerk in this House, while Under Secretary of State, wrote as follows :

OTTAWA, 26th January, 1883.

Dear MR. MORGAN,—I cannot leave the Department of the Secretary of State without expressing to you my regret that the official intercourse which has existed between us since 1868 should be brought to a close, for I am happy to say it has always been of the most pleasant character.

I must add that during the aforementioned period the duties assigned to you have been performed by you to my entire satisfaction, with promptness, care, accuracy and ability, and in a business-like manner.

Accept my best wishes for your future advancement and prosperity, and believe me,

Sincerely yours,

(Sgd.) EDOUARD J. LANGEVIN.

Our colleague, the hon. member for Ottawa, while Secretary of State in the Mackenzie administration, wrote as follows :

I have much pleasure in bearing testimony to the very efficient manner in which Mr. Morgan has discharged both the duties appertaining to his position (as keeper of records) and those allotted to him as extra w rk.

(Sgd) R. W. SCOTT.

15th October, 1874.

The next letter is from Sir John Macdonald :

EARNSCLIFFE, OTTAWA. 7th January, 1885.

I have known Mr. Henry J. Morgan for many years. He has risen steadily, in the civil service of Canada from his own exertions, and by a life of usefulness. He has always been found equal to any duties imposed upon him, and given satisfaction to those under whom he has served, including myself. In addition to his official work, he has done good work as a literary man. I take much interest in his welfare which I trust will be as great in the future as it has been in the past.

(Sgd.) JOHN A. MACDONALD.

Then follows a testimonial from Sir Hector Langevin :

OTTAWA, 21st January, 1884.

Mr. Henry J. Morgan, was an officer of the Department of the Secretary of State, when I presided over that department and has continued to be in the same department since. He has risen there in the public service by his good conduct and his fitness for the different offices he has filled.

He has not been satisfied to do merely the office work, but he has tried to improve his mind and to increase his stock of knowledge. He has also endeavoured to be useful to his country by literary and historical works which have received the praise of the press and of eminent literary and other gentlemen.

He deserves great credit for his industry and the marked success he has had, and if he perseveres in the same direction, I have no doubt he will achieve still greater success which I wish for him and which he deserves.

(Sgd.) HECTOR L. LANGEVIN.

Hon. Mr. Chapleau, the present Lieutenant Governor of the province of Quebec, writes :

DÉPARTEMENT DU SECRÉTAIRE D'ETAT,
CABINET DU MINISTRE,
OTTAWA, 4 juillet 1884.

MON CHER M. MORGAN,—A l'occasion de mon départ pour la Colombie, et pour vous accréditer auprès du ministre qui aura charge du département en mon absence, je me fais un devoir de reconnaître l'efficacité des services que vous avez rendu au département (comme premier clerc de la correspondance, et comme assistant du sous-secrétaire d'Etat) depuis le temps que j'y préside.

Les connaissances étendues que vous possédez, les recherches variées que vous avez faites pour les publications dont vous êtes l'auteur, vous signalent tout naturellement à la considération du gouvernement comme une personne d'un mérite reconnu.

Veuillez croire les sentiments distingués avec lesquels je me souscris,

Votre très humble,

(Signé) J. A. CHAPLEAU.

The Hon. Wm. Macdougall, who was at one time a member of the government, writes as follows :

Mr. Morgan, for some purpose which he has not disclosed to me, desires to obtain from the several heads of departments under whom he has served in Canada, autographic corroboration of the good opinion they may have held and verbally expressed as to his character and public services.

I willingly accede to his request, but it will be only fair to observe that I must be regarded as a partial witness. For many years Mr. Morgan has been my intimate personal and family friend. I made his acquaintance shortly after I entered parliament in 1858. I believe he received his first permanent appointment in the public service at my hands. I have watched his career for at least a quarter of a century as editor, author, and civil servant. His intelligence, his industry, his fair-mindedness, his loyalty to his country and his official superiors, have been constant and conspicuous from the beginning. As an all round man I do not know his superior in the public service to-day.

If devotion to duty, and painstaking labours to collect and preserve the memorials of his country for the convenience of the present, and instruction of the future generations, can give a Canadian any claim to recognition or promotion, Mr. Morgan's name will not be found at the foot of the roll of honour.

I shall always be glad to hear of his good health and prosperity. Being out of politics, I have no power to aid him, but his merits are so well known to the premier and most of his colleagues that I cannot believe his reasonable claims will be overlooked.

(Sgd.) WM. McDOUGALL.

Bank Street, Ottawa, July 24, '85.

OTTAWA, July 4, 1892.

MY DEAR MORGAN,—In reply to your note of yesterday asking the purport of Sir John A. Macdonald's assurances to me in regard to your position in the Department of State (after an investigation into certain alleged irregularities). I can only repeat my former statement—to wit—that the action of the Government in your case was rather admonitory than primitive and that in due time you would be rehabilitated.

Hoping Sir John's colleagues may see fit to make good the promise in your case,

I remain,
Very truly yours,

(Sgd.) WM. McDOUGALL.

Henry J. Morgan, Esq.,
State Department, Ottawa.



The following is from a well-known member of the House of Commons :

REGINA, Nov. 28, 1891.

MY DEAR MORGAN,—When speaking to Mr. Chapleau respecting your case, I must say I think he expressed himself very nicely about you. He seemed to me to have done all in his power to help you. He told me emphatically that the office could hardly get on without you, for no one in it had your knowledge of official etiquette and official formal language, instancing the manner in which you had dealt with the Macdonald Peerage.

Ever yours,

(Sgd.) N. F. DAVIN.

The next letter is from a respected member of this House, who is in a position, from his experience and ability to sift the evidence and express a judicial opinion upon the case—I refer to the Hon. Mr. Miller, who, I regret to say, is not present to-day. I am sure if he were present he would sustain me on the stand that I am taking in Mr. Morgan's case. Mr. Miller writes :

THE SENATE, Canada,
February 14, 1893.

MY DEAR SIR,—I had an interview to-day with Mr. Costigan relative to your affairs.

The minister expressed himself in very friendly terms towards you and assured me that he considered your case a hard one which he would like to redress.

He said he was not able to make any provision this session to meet your wishes, but that unless your views were met during the recess by promotion, he would next session recommend and promote such legislation as might be necessary to replace you in your former position in the department.

Yours, very truly,

(Sgd.) WM. MILLER.

HENRY J. MORGAN, Esq.,
Department of State,
Ottawa.

Then comes a letter from Sir Donald Smith :

HUDSON'S BAY HOUSE,
MONTREAL, June 16, 1893.

DEAR MR. MORGAN,—Mr. Costigan when I met him in his office a short time before the close of last session, spoke to me in terms of much satisfaction with regard to you, and said that should an opportunity not occur of promoting you during recess he would certainly next session do his utmost to effect such legislation as might permit of your being restored to your proper position in the department.

Believe me, dear Mr. Morgan,
Very truly yours,

(Sgd) DONALD A. SMITH.

HENRY J. MORGAN, Esq.
Dept. of Secretary of State,
Ottawa.

Then follows another letter from Senator Miller:

OTTAWA, April 8th, 1895.

MY DEAR SIR MACKENZIE,—If I were not impelled by a sense of duty and justice, I would not write you this letter, which is in relation to the case of Mr. Henry J. Morgan.

Some time ago I was induced to make a thorough examination of the facts connected with Mr. Morgan's alleged misfeasance in connection with his official duties, for which he has suffered severe punishment, with the view of interceding with the late Sir John Thompson in his behalf. The result was that I came to the conclusion, nay was thoroughly convinced, that he was and is innocent of the charges on which he was condemned—through a misunderstanding of the facts. My first expectation was to obtain some grounds sufficient to justify me in asking the late premier to condone Mr. Morgan's offence, as the offences of so many others in the civil service had been condoned; but my investigations forced me to the conclusion that Mr. Morgan was guilty of no offence, and that he was a wronged and injured man. With this conviction I approached Sir John Thompson, and discussed the subject with him, and found that he was misinformed with regard to one or two vital facts. I then referred him to Mr. Morgan's statutory declaration, which he promised to read carefully, saying that if he found the facts to be as represented they would certainly modify his opinion. He told me afterwards that if the matter were brought before the council by the head of the department Mr. Morgan's case would be settled satisfactorily, so far as he was concerned.

Under these circumstances, and looking at all the peculiar incidents of Mr. Morgan's position, which I cannot here recite in detail, I feel simply impelled, as I stated in the outset, by a sense of duty and justice, to ask you for an early consideration of his case, and to put an end to the existing state of anxiety and worry consequent on so many disappoinsments, and to me, unaccountable delays.

Yours very truly,

WM. MILLER.

The Honourable Sir Mackenzie Bowell,
Ottawa.

Sir James Grant, a member of the House of Commons, wrote to Sir Mackenzie Bowell on the 25th March last and the Premier replies in the following words:

I have your letter of yesterday respecting Mr. Morgan and when the matter comes up you may rest assured that I shall not forget your report on his behalf.

These are all the papers given to me in this matter. The Premier cannot complain of these letters being brought up and I do not think that he can justify the superannuations.

Hon. Mr. MACINNES (Burlington)—I wish to make a few remarks with reference to the Superannuation Act itself. Of course I shall not deal with the particular case to which the hon. member who has just spoken has alluded. I think that some system of superannuation in the public service is necessary in every country, and the Superannuation Act of Canada has been criticised from various points of view. In the first place, it is said that it is not self-sustaining. I do not think it was ever intended to be self-sustaining. The question of superannuation is a most difficult one—to make it efficient and fair to all parties. I think the Superannuation Act of the Government has been a fair one. The most severe criticism that could be made against it is that public servants are sometimes superannuated for political reasons; when they are superannuated for the purpose of making positions for political supporters, there is no way you can get rid of that until you adopt the merit system. The first appointments should be made independent of political considerations and when they are so made you will improve the civil service and will not have this cause of complaint. I shall probably have something more to say later on with reference to the civil service, but in the meantime I have only this to add, that the Superannuation Act, is a fairly good one, but its expense will only increase from year to year as the service gets older. It is perfectly evident in the course of years that you will have more superannuations and the expense must increase. In Great Britain after many investigations and changes of policy the state has fallen back upon the system of dispensing with compulsory contribution and has taken upon itself the charge of granting pensions and retiring allowances on a moderate scale.

Hon. Mr. KAULBACH—I hope the example of the State Department will be followed throughout every department. It is sometimes difficult to get rid of men. They may be incompetent, and in many ways inefficient, and not place themselves in a position to be dismissed, and yet they are actually a drag on the public service. I believe you can hardly go through any department in Ottawa but the place is crowded almost in some departments to suffocation, by people actually unfit for the positions they are in. I have no doubt it is so with all governments. The members of the government and members of parliament have personal friends, and the pressure is so great that no

government can resist it. We find in the service people who are unfit for anything else, and who are utterly incompetent to start out in life and earn a living. Their friends think a government office is a good place to put them, and once they are there you cannot get rid of them, they are worse than useless. They are a drag on the service and a bad example to others. I inquired of the Department of Public Works, and I know of men in that service who are doing a gross injustice to the other men. One-third of the men in the department could do the whole work, and the others are just in their way; they had actually to crawl over the others and do the public service, and how to get rid of the useless officials seems to be a grave question.

Hon. Mr. MACINNES (Burlington)—Do you think the remedy is to do away with political patronage?

Hon. Mr. MACDONALD (B.C.)—Who can do that?

Hon. Mr. KAULBACH—The millennium will have to come before that time arrives. Governments, we all know, are flexible to the importunities of their friends. I believe that in the Public Works Department one third of the employees could do the work and do it faithfully, and I believe it is so in many of the other departments. I hope the example given by the Secretary of State will be carried out by every other head in the service. The useless officials should be got rid of at any price.

Hon. Mr. MACDONALD (B.C.)—What would you do with faithful servants of 30 years?

Hon. Mr. KAULBACH—If a man is a faithful servant, competent and prompt and attentive to duty, he will never be dismissed; he must become a drone, or incomptent, or inefficient; otherwise I do not believe any public servant will be dismissed. As regards Morgan, I esteem him for many good qualities and I believe those testimonials have been honestly given, but I hope some government will devise means by which to weed out the useless rubbish that is in the public service.

Hon. Mr. PERLEY—When the hon. gentleman comes to read his speech, and sees the manner in which he has reflected on the civil service, I think he will be ashamed of it. As far as my experience goes, I have had occasion to visit a great many departments—the Public Works, the Interior Department, and the Post Office—and I have found them to be a clever, respectable, and very intelligent class of citizens. In order to go into the civil service to-day, a man has to pass an examination and establish his fitness for the position. The wholesale remarks of the hon. gentleman with reference to the civil service are unbecoming and unjustified according to the circumstances of the case.

Hon. Sir MACKENZIE BOWELL—I have no objection to the motion made by the hon. gentleman. All I can say, after the remarks made by the hon. gentleman from Victoria is that I trust the grounds of superannuation in each case, together with a statement as to whether the vacancy so caused is to be filled—and if filled, in what way—will be brought down as fully as possible, in order that the House and country can judge of the reason which induced the head of the Department of Secretary of State to pursue the course which has been so freely commented on to-day.

The superannuation law, as it stands upon the statute book, has always been a subject for discussion and a matter of complaint to many who oppose the whole system, and that complaint is as to the manner in which it has been administered by all parties. For myself, speaking generally, I have always had grave doubts as to the propriety of placing a superannuation law upon the statute-book. I voted against it when it was first introduced in the House of Commons some 25 or 26 years ago. I gave my reasons then, which it is unnecessary to repeat now. I am also willing to admit that there have been superannuations which probably could not be justified. I do not confine that to any one case more than another, but I would recommend the hon. gentleman who made the motion to consult the records and he will find that between the period from 1874 to 1878 there was a greater abuse of the power placed in the hands of the government than there was before or since. If any one will turn to the list that was published in the Public Accounts, he will find gentlemen superannuated who had been in the service

two, three, four and five years, with ten years added in order to compensate them for their loss. I merely instance that to show the manner in which the hon. gentleman's friends dealt with this statute. He is quite right in saying that many of the superannuations which have taken place, particularly in the Secretary of State Department were under section 11 of the Superannuation Act. The Secretary of State, when he took possession of that office, found that he had more clerks than he thought were necessary, and it very often occurs in this way—I know that I had experience particularly in the customs. You find men who have been in the employ of the government for 20 or 30 years, and some of them 40 years. They have become old and do very little work in the department. There is always a sympathy for them and a regret that they have to be placed on the retired list. The result is that as they become old and neglect their work, either from incapacity or disinclination to work, younger men get in and perform the labour, and by that means overload the service, as has been indicated by the hon. gentleman from Lunenburg. Then, when you superannuate a number of them, as I myself did upon one occasion, I was met in very much the same manner as the hon. gentleman from Victoria has met this question to day. That was by the leader of the opposition. The remark he made to me was—and it was very pertinent without knowing the facts—If what the hon. gentleman says is correct why has he not superannuated them before? My answer to that was, if the hon. gentleman occupied my position he would be the last man to turn out of office, or even superannuate, old men who have been faithful in the service, until so compelled from necessity, either for economy or because they were unable to do the work. Now I think that is the failing of most hon. gentlemen, and it is not a pleasant thing for a minister, when he feels himself bound in the interest of the service, or in the interest of economy, to carry out the principle of superannuation and turn an old official out of the service. But I was forcibly reminded of the remarks I heard made, in discussing the question of economy and the reduction of the expenses incurred in one of the large departments, by Sir Charles Tupper in the other House. I have experienced it myself, and every man who has been in public life with responsibility upon his shoulders in attempting to effect any economy. He said that he found it more difficult, when he attempted to save $5,000, than when he proposed to expend half a million. We have had an example of it here to-day. We are continually denounced as an extravagant government, and even some of our friends declare that we spend the public money lavishly, not only in the civil service, but in every other department of the administration; but the moment you attempt to save $10 or $50 you have an avalanche hurled upon you as if you had been sending everybody to the poor-house. When my hon. friends, who are looking with fond anticipation to this side of the House, come over here and have had our experience, I am bound to say they will realize the force and the truth of what I have just been stating. It is quite unfair—and I do not know any man in the House who will admit it in private conversation more readily than my hon. friend the senior member from Halifax—to make a comparison, as he has done, of the expenditure in reference to the superannuation of civil servants. He says it has increased in the last 17 or 18 years, 80 per cent. Does he not know that the Civil Service Act provides for the increase of each clerk's salary to the amount of $50 per annum? Now, take 500 civil servants—there are over that number, but I will take that by way of illustration—and add $50 a year to each clerk's salary and multiply by 17 or 18 years, and what becomes of this 70 or 80 per cent? It is an easy problem for him to solve. That is the law on the statute book, and it is all that the civil service has to look forward to when they enter the service.

Hon. Mr. POWER—I stated that the expenditure on civil government had increased 70 per cent, the other has increased three times that.

Hon. Sir MACKENZIE BOWELL—That is taking a still wider range. I do not think the House would justify me in taking time to combat that idea. Does this country occupy the same position to-day as it did in 1878? Has it not grown and expanded to a greater extent than any other country in the world? Does it not stand better to-day financially, and are not the affairs of the country better administered from one end of the country to the other, than in 1878?

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—Look at the extent of our North-west Territories ?

Hon. Mr. POWER—The country was the same size then as it is now.

Hon. Sir MACKENZIE BOWELL—Look at the development in British Columbia ; look at the extent of the trade and commerce of the country from one end of it to the other, and then does the hon. gentleman suppose that a country can go on growing in the manner in which Canada has grown and the expenditure not increase ?

Hon. Mr. KAULBACH—Look at the postoffice service alone.

Hon. Sir MACKENZIE BOWELL—Yes, thousands of miles have been added to it by the extension of the railway system. The hon. gentleman might just as well say that he could live to-day with a family of eight or ten (as I hope he has because, if he has not he is not true to the record of his countrymen) as he could when he was first married and commenced housekeeping. I know I found it more difficult to get along, so far as the pocket is concerned, when I had eight or nine of a family than when I had only my wife and one or two young children. The country is in precisely the same position. It may be a homely illustration, but it is one that every man who has a family will understand. I have not much to complain of in the remarks of my hon. friend who complimented me with the designation of "the Premier with an eagle eye." There was a time when I had a rather sharp eye, but age has dimmed it to a great extent. I hope, however, it has not diminished my desire to do what is right in the interests of the country. The hon. gentleman told us in his opening remarks that he wished to give a note of warning, but that he was not here to speak on behalf of any one. I was rather surprised, after that declaration, to hear him read a dozen pages of certificates of good character handed to him by a gentleman who had evidently interviewed him.

Hon. Mr. MACDONALD (B.C.)—I said I was not commissioned by any one to act on his behalf. I told Mr. Morgan that I was going to speak on the subject and he said "if you are going to speak I will give you those certificates."

Hon. Sir MACKENZIE BOWELL—I never supposed that the hon. gentleman or any other member of the Senate would be commissioned to speak for any one. I have no doubt that what he said he has stated with as much sincerity as I have spoken just now. Mr. Morgan had made threats, because they not only came to my ears but they came to the ears of the other members of the government, that he would have this matter ventilated in the Parliament of Canada. I tell the hon. gentleman that he has not done Mr. Morgan any service in reading those certificates, or referring to his case at all. I shall not state what I know, neither shall I utter a word that would detract from Mr. Morgan's character further than say this, that at the time of his suspension and at the time of his being reduced from a chief clerkship to a first class clerkship, if I had had my way he would have been dismissed without one moment's consideration. I am quite sure that any man in this House after knowing all the facts connected with it—we have heard only one side—would pursue precisely the same course that I have indicated I would have done. The hon. gentleman is quite corrrect, however, in saying that when he appealed to me to be reinstated, I said I would not oppose it, because I thought he had been punished for a number of years for dereliction of duty—it was considered dereliction of duty by Mr. Chapleau, now governor of the province of Quebec ; at the time he was Secretary of State. I regret that it has been found necessary to superannuate Mr. Morgan, because he is an old man, and he has a family. I do not desire —never have desired, and would not now, had it not been forced on me in deference of the government—to give utterance to one word of censure upon Mr. Morgan. It is said that the matter was placed before Sir John Thompson while he was Minister of Justice. That may be true. I have no doubt the statement made by our honourable colleague from Richmond is literally correct, and it may be equally true that the then Minister of Justice stated that, on looking into the matter, if the declaration which had been made was correct, it would change his opinion ; but one thing I do know, he never attempted to change the decision at

which the council had arrived, nor did he make any proposition to reinstate Mr. Morgan in the position which he had held. More than that, the late Chief Justice Richards, who wrote to Sir John Macdonald on this matter, was advised not to press the matter, for if he did the result would have been, in all probability, dismissal instead of a first class clerkship .I am speaking now of matters which came under my own observation, because I had very much to do with them. I cannot help saying that I did then, and do now, feel a sympathy with that gentleman, and if he had attended more strictly to his duty—because the street was his office two-thirds of the time of late years—he might be in his office yet. The papers will disclose why the superannuations have taken place. There is much force in what the hon. gentleman says, that a man of 50 or 60 years of age, who may be quite capable of doing his accustomed work, if he is superannuated on a small pension—it is not altogether a pension because he has contributed to the superannuation fund—it is a hardship upon him; but I have always viewed the question in this light:—I have been fighting my battles all my life, so have we all, and if we have any regard for the future, we try to save a little in order that we may be able to live when the time comes that we cannot work. Why should not a civil servant do the same thing? That is upon the general principle. Whether the present system of superannuation is correct or not, I am not prepared, even with all my experience, to give an opinion just now. I probably would adopt a different system altogether when the time arrives that has been indicated by my hon. friend from Burlington, when politics and the public service shall not be factors in the appointment of civil servants

Hon. Mr. MACINNES (Burlington)—It is so in Englnnd.

Hon. Sir MACKENZIE BOWELL—My hon. friend says it is so in England. If he were behind the scenes and knew what the influences in England are when they desire to get a friend into a permanent position, he would not say that favouritism or politics and the public service had nothing to do with each other.

Hon. Mr. MACINNES (Burlington)—It is open competition.

Hon. Sir MACKENZIE BOWELL—That does not interfere in the least with the influences which can be used in the appointment to office. Our young men pass their examinations—all the examinations that the law requires—and they are placed in a position in which they can compete for the offices which become vacant or are created (as my hon. friend from Halifax said last night) for the purpose of making places for hungry hangers-on. The moment an office is created or becomes vacant, influences are put to work in England, whether the position is in the Indian service or in the home service, to get some favoured person appointed. I should like to have a system prevail in reference to the service in which no political influence or any other influence but that of absolute merit would be considered. I should be delighted, and so would my hon. friend from Victoria (Mr. McInnes), but when he gets on this side of the House and has a few friends in British Columbia and there are vacancies to fill, I think I am not doing him an injustice if I expect that he would look after the interest of his friends. I certainly say that I have done so, and as long as I am here, other things being equal, I shall continue that policy.

Hon. Mr. MACDONALD (B.C.)—I agree with the premier that if Mr. Morgan is guilty he should be dismissed on the spot. Why did not the government appoint a commission to go into his case and investigate it? He was kept dangling between heaven and earth for eight years. Certain promises were made to him which were never fulfilled. What I complain of chiefly is this fact that no notice has been given. There are five others who were dismissed without a moment's notice; without a warning they were cast adrift and told to go. No one would do that to a servant of his own. If the premier had a servant in his employ for 20 years I am sure he would not dismiss him without some notice and without a retiring gratuity.

Hon. Sir MACKENZIE BOWELL—I readily admit the truth of the last observation, but I do not admit that a commission should be appointed to investigate every dereliction of duty on the part of a civil servant. If a clerk neglects his duty in my office, I know that without a commission;

if a man forges a paper and obtains money upon it, I know that without appointing a commission to investigate. It is quite unnecessary, unless you lay down as a principle that because a man is in the civil service, if there is any dereliction of duty on his part he must be treated differently from what you would expect for yourself. I am sure the hon. gentleman, when he thinks of it for a moment, will come to the conclusion that the proposition is, I will not say an absurdity, but unreasonable. There was no dangling in Mr. Morgan's case. Mr. Morgan was tried by his superior officer. The Minister reported the facts to the Council, and instead of doing that which I said I would done had the case been in my department, he was simply reduced to a first class clerkship and if to remain there is called dangling, why he dangled until he was superannuated.

Hon. Mr. MACDONALD (B.C.)—He is punished now for an offence which was committed eight years ago.

Hon. Sir MACKENZIE BOWELL—Yes, by reduction of salary and by reduction of grade.

Hon. Mr. POWER—I had no particular person in my mind at all. There had been a number of those superannuations and I called attention to them.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will give me credit for this—that I did not say he had.

The motion was agreed to.

## MEMORIALS TO THE FOUNDERS OF CONFEDERATION.

INQUIRY.

Hon. Mr. BELLEROSE inquired :

Whether it is the intention of the government to erect in the grounds of the parliament buildings, upon the death of each of the delegates from the various provinces to the Quebec conference of 1864, which had for its object the discussion and foundation of a confederation of the provinces, a monument to perpetuate his memory as a founder of confederation ?

He said : It is not my intention to take up much of the time of the House in discussing this subject, but it is only right that I should explain why I am putting the question. On a recent occasion, when the statue of Sir John Macdonald was unveiled, while looking at the beautiful statuary, the work of one of our fellow-subjects, Mr. Hebert, I heard the question asked, What was the principle on which the administration of the day were acting in erecting the monument? I did not hear any good reason for it. Some thought that the statue would stand there alone—that there was no obligation to go further than that. I heard it stated by some that those two men, whose statues have been erected on Parliament hill, have been so commemorated because they have done a great deal for Canada during 40 years of their lives. To that I remarked that neither Sir George Cartier nor Sir John Macdonald had any right to receive anything at the hands of the confederation for their services before confederation ; that it was Lower Canada and Upper Canada that should give them anything that they might have deserved before the union with the other provinces, and that if anything was due to them for what they had done to bring about confederation it was all right, but that in that case all the delegates from the provinces to the Quebec Conference in February, 1864 should be remembered. Then another gentleman, in reply, said : "Very well, but even then surely those two men have done more than any others." Then I said, then I must be much mistaken, because I consider they are not the two men who did most for the confederation. I said I suppose Sir John Macdonald had been there alone, he was in a minority of 10 in Upper Canada. He could do nothing at all until George Brown united with him and carried the majority in Ontario. Therefore I do not see that Sir John will gain much by that. But even then what could they have done without Cartier, who gave to Sir John Macdonald the majority that he required in the House, so much so that Quebec was accused of governing Ontario. The outcry then was against French domination. Even then, I do not consider that Cartier did more than the leaders of the other provinces. What could he have done without the others? Not very much. He had to receive help. As far as those three gentlemen go, there is not one of them who could say "I am the man who made the confederation. I am the founder of the great Dominion." The three might say so, as far as the provinces of Ontario and Que-

bec are concerned, but we have to speak of the confederation of all the provinces, and I said "don't you think Sir Charles Tupper deserves even more credit than our men in Ontario and Quebec, when he had against him nineteen members out of twenty, and fought until he gained his point and got Nova Scotia to become a willing member of the union?" That man deserves to be commemorated more than the others. Then I said if I go to New Brunswick I find the great leader of that province, who did much for his province and afterwards much for the confederation, so much so that he himself was beaten after the delegates had met in Quebec and he fought the battle of union until he regained his position and had a majority at his back and confederation took place. We had no fight in Ontario and Quebec like that. The people accepted Confederation, so I cannot see things in that light. Even those leaders of the four provinces who came into the union, what could they have done if they had not received the assistance of their colleagues in the different administrations of the provinces? I have here the names of the gentlemen who were sent by the provinces to the Quebec Conference in 1864. In old Canada there were twelve ministers of the Crown at the time—Taché, Macdonald, Cartier, MacDougall, Brown, Galt, Campbell, Mowat, Langevin, Cockburn, McGee and Chapais. I find that Nova Scotia sent to the meeting in Quebec, Tupper, Henry, Dickey, McCauley and Archibald, and New Brunswick seven—Tilley, Johnson, Mitchell, Fisher, Chandler, and Grey. Newfoundland sent delegates also, but as Newfoundland did not enter the confederation it is not necessary to refer to them. There were delegates from Prince Edward Island—altogether 30 or 31 at the conference. I know, with the government, it will be a question of pounds, shillings and pence, but, if those gentlemen would take something off the extra expenditure on the Curran bridge at Montreal they will have enough to meet the cost. When they give away money at the rate of $300,000 on a work of that kind, I cannot accept that as an objection. Let the government give me a fair answer, but to say that they have no money is a different matter. I had a note prepared to answer the premier a few minutes ago to show him how wrong he was on this same question of the government having no money to which he alluded some few minutes ago, on a previous question brought up by one of our colleagues, but I thought this was enough for to-day, leaving for another day the remainder of what I had to tell him. If Tilley or Tupper had not been supported by their colleagues, could any hon. gentleman say we have carried confederation; and if so, I ask is it not right that the people of Canada should do something to preserve the memory of all those men and to reward their efforts? The Hon. George Brown fought year after year, throughout his life, for his province against Lower Canada. Nobody opposed separate schools more earnestly than he did, yet when his adversaries proposed to him that he should join with them to bring about a confederation of the provinces, he consented though he knew that he would have to yield some of his views in return for concessions made by others. He carried out the understanding, accepting all the legitimate compromises, even to the extent of agreeing to a system of separate schools for his province. That man will be left in the shade, while his colleagues will be remembered; if that is the way those gentlemen on the Treasury benches are to treat those who have been foremost in the working to bring about the present state of Canada, then I say the quicker they leave their posts the better for the country.

An hon. MEMBER—You are wicked.

Hon. Mr. BELLEROSE—That is not wicked; it is only doing what is right. Now, hon. gentlemen, everyone of those gentlemen I have named are of equal importance. Of course they will not ask it, but it is for us to commemorate their memory. Let the members of the government think a little less of political influence and let them use the public funds less for rewarding their followers and keeping themselves in power. From Prince Edward Island we had seven delegates. Those gentlemen came in later, but, as far as they are concerned they are more worthy of being commemorated than any of the others, and why? Because they worked for seven years to accomplish the great object that was planned in Quebec. If they do not receive more credit they ought to receive at least as much as the others. Sir A. F. Galt and the Hon. George Brown have been dead for some years, yet the government have taken

their time. As Sir John Macdonald and Sir George Cartier were more conspicuous in this province, I suppose their statues have been erected first, but that we will come to the others. I have given the government my own opinion, and I want to know whether they intend to continue the work of erecting monuments until there is one for each of the thirty-one delegates—perhaps thirty-three, because there were two from Newfoundland and that colony may join us yet. I ask the government whether they intend stopping with the two statues already erected, or whether they intend in due course of time to proceed with the others? No doubt it will be expensive and it cannot be done at once; I wish to know whether in due time justice will be done to those who are dead and whether it is the intention of the government to also do justice to those who still survive, when they are dead? Among the latter are some who are pretty old now, and very soon they will be among those that are gone.

Hon. Mr. KAULBACH—Will my hon. friend not add to the number the delegates to Prince Edward Island conference for the maritime union which was the basis of the larger union? They should be added to the list because they really initiated the whole matter and the conference for the maritime union induced the two greater provinces in discord to come and unite with the lower province to have a larger union which was determined on at the Quebec conference in 1864. I say those should be among the list if you are to have such a perpetuation of their memories, but I do not approve of such monuments. I believe some of those men who are said to be founders of the union should be called confounders of the union. I do not think they helped very much in the union, and I think that sooner than discriminate we had better drop such an idea. Let us wait until our elder sister is happily in the united family, when one grand monument will do for all of us who helped at its foundation or assisted in its erection or its final consummation, the union of all the British North American colonies. We know all the men who merit acknowledgment and although we have not them in brass and stone they are in the hearts and the memory of the people.

Hon Mr. McCALLUM—I regret that there is any man in Canada to-day, who would deplore the expenditure for the monuments to Sir George Cartier and Sir John Macdonald. The hon. gentleman thinks every man who took part in the work of confederation should have a monument erected to his memory. The mere confederation on paper did not amount to very much, and there are many who have worked for it since. We are working for it every day. I am surprised to see the hon. gentleman find fault with the government of this country for the expenditure in erecting a monument to Sir George Cartier and Sir John Macdonald. They deserve all the honours they got and the people of this country are willing to pay for it. If there are men prominent amongst all other men who are worthy of a monument to keep their memory green amongst the people of the country, let them have it. My hon. friend might even want a monument erected to his own memory because he is notorious in many respects, and it may be necessary, I do not know but what I would vote for it, but I think myself we would be just as well employed considering something else. If we have any money to expend we can use it in other ways. Those men to whom monuments have been erected here are known from ocean to ocean, and no one regrets the sum it costs to keep their memory before the country.

Hon. Mr. BELLEROSE—The hon. gentleman must have been asleep when I spoke, because I never found fault with the government for the expenditure in erecting monuments to Sir George Cartier and Sir John A. Macdonald; quite the contrary, but I found fault with the government, who while wasting so much money every day, they say there is no money to erect monuments to the memory of the other founders of this great country.

Hon. Mr. McCALLUM—No, I do not sleep. I can hear pretty well, and I did not even lose the hon. gentleman's remark about the Curran bridge. I do not know what the Curran bridge had to do with erecting a monument to Sir John Macdonald or to Sir George Cartier.

Hon. Mr. ALMON—I am astonished that the hon. member from DeLanaudière should have passed such a slight on Manitoba.

Manitoba has been insulted a good deal of late—the separate schools have been taken away, and the dual language abolished, but to think that no monument should be erected to the memory of any one in tnat province who induced that country to join the confederation. Why should they not have a monument, as well as the little province of Prince Edward Island, and New Brunswick, and Nova Scotia. I think the hon. member left it out inadvertently, and if you will add that all the political men who had anything to do with getting Manitoba into the union should be remembered it would be better. We should also have British Columbia.

Hon. Sir MACKENZIE BOWELL—I do not propose to reply to the remarks of the hon. gentleman. I would just say in the most polite manner possible that I am not aware that I gave him any occasion for that ebulition of feeling in reference to the money matter. The only question I asked him was as to the number, and to show that I have no intention of ridiculing, I was just about dropping a note asking him if he remembered the number. No man holds stronger views than I do myself as to the squandering of the money on the Curran bridge. The question is as to where the blame lies. I will not discuss it, but I do not think it is applicable. I am quite in sympathy with the remarks made by the hon. gentleman with reference to the fathers of confederation. I should like to see a mammoth statue in the centre block here with the whole 31 surrounding the great chieftain. He was the moving spirit in the whole thing. I do not wish to detract in the least from the credit due to Hon. George Brown and to other people belonging to that party who assisted in carrying out confederation. I noticed a few years ago, travelling down the Rhine, a magnificent statue in commemoration of the unification of the German Empire. Perhaps it would be well to adopt a plan of that kind. Instead of having one for each delegate we might have one grand statue in commemoration of the unity of British North America, but I would suggest, before we enter on that expenditure, that we might try and save it in some other way. We will wait until we have attached the remaining outside limb of this great body to the confederation. There was a hint thrown out by a gentleman who spoke a few moments ago, as to whether those who frustrated, as far as they could, the carrying out of confederation, should be treated with the same honour and consideration as those who sunk their individuality, who forgot their party leanings and lent their talent and ability and time to accomplish the great object in view. Now, I think some of my Prince Edward Island friends will have a recollection that some of the gentlemen who agreed to all the terms of that confederation went home and did all they possibly could to frustrate the union of Prince Edward Island with the rest of the confederacy. However, as men grow older they become more sensible, as I hope all of us do. They forgot their objections in the first place and gradually came into the union, and while they have some little complaint, I hope on the whole that they think that they are better off as a part of the great Dominion united in one, than they would be as an isolated island.

## THIRD READING.

Bill (134) "An Act to legalize payments heretofore made to the general revenue funds of the North-west Territories of certain fines, penalties and forfeitures."—(Sir Mackenzie Bowell.)

## SECOND READINGS.

Bill (96) "An Act to incorporate the International Railway Company."—(Mr. Lougheed.)

Bill (82) "An Act respecting the Kingston and Pembroke Railway Company."—(Mr. Perley.)

## VOTERS' LIST OF 1895 BILL.

### SNCOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (69) "An Act respecting the voters' list of 1865." He said:—This bill is very simple in its character and has for its object the postponing of the revision during this year and to legalize by the second clause the acts of certain revising officers. The law provides that there shall be a polling division for a certain number of voters, and in case there are a few more than the 300 that another division should be set apart. In one or two cases the judges omitted to do this; where there

were 300 there might now be 320, and under the old law it would compel him to set apart another polling division. That was not done and in order to avoid any difficulty in future the second clause legalizes that want of action.

The motion was agreed to.

## JUDGES OF PROVINCIAL COURTS BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of the Bill (127) 'An Act further to amend the Act respecting the Judges of Provincial Courts."

Hon. Mr. SCOTT—Can the Premier say what this increase is to certain judges in Montreal? It is placed at $3,000 in this Act? What was the salary previously?

Hon. Sir MACKENZIE BOWELL—I I have no memoranda as to it, but I might say there were two gentlemen appointed, and they were designated as magistrates, they have been placed in the position of judges of the same courts, and given the same salary they had before, making their position more permanent and certain.

The motion was agreed to.

## NORTH-WEST TERRITORIES ACTS AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (135) "An Act further to amend the Acts repecting the North-west Territories."

(In the Committee.)

On clause 3,

Hon. Mr. POWER—I ask the minister with respect to this clause if he does not think it well to provide for the case where the speaker might not be available. It says that a member who wishes to resign can do so by addressing or causing to be addressed to the speaker, &c. Supposing the speaker is not within the territories at the time, should there not be some provision for sending in the resignation to the lieutenant governor or some other officer? Paragraph 3 provides that before the Legislative Assembly meets and the speaker is chosen the resignation is to be sent to the lieutenant governor. If the speaker has died, or is absent from the territories, I think the same provision should be made, that the resignation should be sent to the lieutenant governor or any officer to be named.

Hon. Sir MACKENZIE BOWELL—At present members of the Local House elected at the last election were desirous of resigning. There is no provision in the North-west Territory Act providing for a resignation under such circumstances, from the fact there was no speaker, the House not having met, and this simply puts the members elected in the territories in precisely the same position that the members who are elected to the House of Commons are when they desire to retire before the speaker is elected. As a practical illustration, there are one or two now—I believe one on either side of politics—who, when they thought there was an election about taking place for the Dominion Parliament, desired to contest their constituences for the House of Commons, instead of remaining in the local legislature, and there was no provision by which they could send in their resignations; and it was deemed advisable to give the residents of the territories the same rights and privileges that they have in the Dominion.

Hon. Mr. POWER—I am not raising any question about the wisdom of the Act at all. I simply suggested that there was a case which was not provided for. You provide for the case where the legislature has not met, and the speaker has not been appointed; but supposing the speaker has died, or is absent from the territory, either of which contingencies may happen, then I suggest that you should put in the same provision as in the case where the speaker is not appointed. In either of these cases the resignation may be sent to the Lieutenant-Governor. I move to insert after the word "time" in line 35, the following words "that in the case of a vacancy in the office of speaker or in the absence from the territory of the speaker."

The motion was agreed to.

Hon. Mr. LOUGHEED moved amendments to clause 2. He said: These amendments are proposed for the purpose of remov-

ing what would be an inconsistency, did the bill go through as it now appears. There was a General Irrigation Act passed by Parliament of last session, in which certain absolute powers are vested in the Dominion Government as against the North-west Assembly, and there was a report prepared by the Department of Justice during the recess as to the exercise of certain powers by the North-west Assembly which, to the Department of Justice, appeared to come in conflict with the powers of the Dominion Government, and to remove this the legislation is proposed, which has been already read. But to make it consistent, it is necessary to have some amendments to the General Irrigation Act, so that some of the clauses will not apply.

The amendments were adopted.

Hon. Mr. VIDAL, from the committee, reported the bill with amendments, which were concurred in.

## LOBSTER FISHERY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

House resumed in Committee of the Whole consideration of Bill (91) "An Act to amend the law respecting the Lobster Fishery."

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I have made inquiry of the Minister and he thinks it is much better, in the interests of the fishermen and also in the interests of the trade, that the clause should remain as it appears now in the bill. I hope my hon. friend will accept for once the opinion of the Minister. The debate arose on the propriety of continuing the clause as it exists to-day by placing on each package the name and the date of packing. The House has heard the arguments pro and con on this question, and I see no reason to change the views expressed on behalf of the department in reference to the amendment which has been proposed, that is, to leave off the name and the date. The brands are sufficient to indicate the principal packers in the country, as was very well described by the hon. member from Northumberland.

Hon. Mr. POWER—The sense of the House can be taken on this clause if desired, I am not going to trouble the committee with it. I wish to call the attention of the Minister to the fact that there was some discussion when we were in committee on this bill before, with respect to the expression "case or package," and I think the general feeling of the committee was that it would be better to omit the words "or package," because the word "case" is understood and it is defined later on in the sub-clause After all, the can is a package as well as the case, and the package which contains 48 cans is recognized by the trade as a case.

Hon. Sir MACKENZIE BOWELL—I discussed that also with the officials. There has arisen in the past a dispute as to what is a case and what is a package Some call them cases and some call them packages, and a package may not be a case. A case is not in all instances a package. I added after the word case "or package" in three places in subsection 2 of section 3. It is more explicit, and I think it is much better to leave it as it is. I have no objection to the suggestion made by the hon. gentleman to put in the words "48 lbs."

Hon. Mr. MACDONALD (P.E.I.)—As the bill stood before, it covers the objection completely, because a case of 48 1-lb. cans is a case of lobsters. A package may contain 24, 36, 48 or 96 lb. cans, or whatever the number may be, equivalent to 48 cans of 1 lb. each. My opinion of this matter is that the gentlemen who put up these lobsters know more about their business than we do here. The principal packers put their own names on the packages, and they would put the date if it was to their advantage to do so, but those engaged in the business now have their labels lithographed and registered in the patent office here in Ottawa, and it would be rather difficult to make them change that lithograph plate and require them to put a date on each one of those tins or packages, because they would have to employ a person to put that on specially. Their label is already lithographed and they get a large supply of them to do perhaps for several years to come. I think the bill as introduced originally covers all those cases entirely, and no amendment is required.

Hon. Mr. LOUGHEED, from the committee, reported the bill with amendments which were concurred in.

## COMMERCIAL TREATIES BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (126)—"An Act respecting Commercial Treaties affecting Canada." He said: I hope the House allow me to take a step with this bill now, and we can have a full discussion upon it before going into Committee of the Whole.

Hon. Mr. McCALLUM—I want to move against this bill when it comes up. This is the after-birth of the treaty we had last year, and I want to move against it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can move as well against it before going into committee of the whole, and it will be understood that he does not affirm the principle of the bill by consenting to the second reading now.

The motion was agreed to and the bill was read the second time.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 10th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READINGS.

Bill (132) "An Act to revive and amend the Acts to enable the City of Winnipeg to utilize the Assiniboine River Water Power."—(Mr. Boulton.)

Bill (69) "An Act respecting the Voters' Lists of 1895."—(Sir Mackenzie Bowell.)

## THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I should like to ask the Premier if he is able now to relieve the tension of opinion on this important question—the rumours outside, which are somewhat confirmed by an empty chair. I think Parliament is entitled to some explanation under the circumstances. It is the usual practice in the British Parliament and our Parliament when any crisis arises, that both Houses are taken into the confidence of the Government.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite correct as to the parliamentary and constitutional practice on questions of this kind. I am not, I am sorry to say, in a position to relieve the tension of the hon. gentleman's mind at the present moment, but I promise him that there is no doubt I shall be enabled to relieve him of all anxiety as to the matter tomorrow at three o'clock.

## NORTH-WEST TERRITORIES ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (135): "An Act further to amend the Acts respecting the North-west Territories," as amended.

Hon. Mr. LOUGHEED—I have just directed the attention of the hon. premier to the fact that the object of some of the amendments has been to confirm practically some legislation, which has already been passed by the North-west Assembly, in regard to the irrigation of certain districts. At the last session of the North-west Legislature an order was passed providing for irrigation. A doubt arose in the mind of the Minister of Justice as to whether that legislation was within the power of the Legislative Assembly, and to remove that difficulty this bill is now before the House, but it has been thought advisable, or it was the desire of those interested in irrigation, that the ordinance should be expressly ratified and confirmed, I therefore beg to move that the Bill be amended by adding these words as clause *c*:

The Ordinance of the legislative assembly of the North-west Territories No. 6 of the Ordinances of 1894, is hereby ratified and confirmed, and this ratification and confirmation shall have effect as from the passing of the Ordinance of the 7th September, 1894.

The motion was agreed to, and the bill as amended was read the third time and passed.

## LOBSTER FISHERIES ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (91) "An Act further to amend the law respecting the Lobster Fishery."

Hon. Mr. POWER—As I intimated yesterday when the House was in committee on this bill, I propose to move an amendment at the third reading. I shall not discuss the bill, because it has been discussed already, perhaps nearly enough, but I propose to move an amendment to reinstate the provision contained in the Act of last year, which was inserted by the Senate, for the protection of the consumer and for the credit of the business of the country that the name of the canner should appear on each can. The substance of the argument used against this amendment made to the bill last year was that it was not favourable to the jobbers. It was not contended that it was injurious to the fishermen, who caught the fish, nor to the packer who actually packed them, and it was admitted that it was in the interest of the consumer who had to use the fish; but it was contended that it might be injurious to the middleman who bought from the packers and who put the article on the market. I think that the interest of the consumer and the reputation of the country are of more consequence than the interests of the middleman; and I really do not see how the middleman is going to suffer from the operation of this provision. He has a sort of guarantee that the fish he is buying is good fish, and he will not be obliged to go to the expense of the inspection and selection described by the hon. gentleman from Chatham. I therefore move that the said bill be not now read the third time, but that it be amended by inserting the following paragraph:

(a.) Every can containing lobsters preserved or cured in Canada shall, before being removed from the factory or canning establishment where such lobsters have been canned, preserved or cured, be marked, labelled or stamped with the name and address of the proprietor of such factory or establishment and the year in which such lobsters are canned, preserved or cured.

Hon. Mr. MACDONALD (B.C.)—As I understand, there is nothing to prevent the packer doing that; if he has got a good name, for his own protection he is sure to put his name on. As far as the date is concerned, of course there is a diversity of opinion on that, but if a man has a reputation as a packer, he will see that his name is put on his own cans.

Hon. Mr. ARSENAULT—This amendment has been changed. In the first place the hon. gentleman from Halifax proposed that the name of the packer should be put on the case. The hon. gentleman saw that was of no use, and now he wants to have the name of the packer put on the label of each can. Such is the case now. These amendments are of no use. No lobster package is sent away without the label of the exporter. An exporter buying fish in five or six different small packing establishments on the shore supplies those men with his labels. He guarantees the fish himself, and he exports them in his own name, and what more do you want? That is the way business is done in Prince Edward Island. The hon. gentleman never saw a can of lobsters sent to market without a label on it. I can show him some cans here if he will look at them. No lobster can is sent away without the exporter's name on it, and that is a guarantee that the fish is good. I do not see the use of this amendment.

Hon. Mr. KAULBACH—Every time this matter has come before us I have expressed myself as fully as I was able to, and yet I do not seem to have convinced many of the members of this hon. House. I cannot see any objection to this amendment. It is simply keeping the law as it is now on our statute-book and consistent with our judgment of last session. It seems to me that it would be a great protection against illicit canning. If every man is obliged to put his name upon the cans, it is a means of protecting the public against the person who cans illicitly and at an improper time of the year. My hon. friend alongside of me (Mr. Prowse) seems to poohpooh that. We may expect some canners and some middlemen to look only to their present interests. I should have gone further and had the year of canning put on every can, but our legislation on this subject is influenced largely by the packers. The fishermen themselves would prefer this, and I do not see why the canner should make any objection. I am speaking in the

interests of the public and the consumer. When I buy a can of lobsters I like to know from what cannery I am getting it and when it was canned. Influence seems to be brought to bear upon the department of Marine and Fisheries every year to get some official of that department to tinker with the lobster law. The lobster men themselves have had ridicule for the changeable policy yearly enacted. They know more about the fisheries and more about the industry and what is right be done than some of those men who are sent through the country and pretend to know something of which they know nothing.

Hon. Sir MACKENZIE BOWELL—Every member of the Senate must admire the pertinacity with which the hon. gentleman pushes whatever idea he may have in connection with this or any other matter. This question has been debated so long and so fully, that I shall not occupy the time of the Senate in discussing it. I think it has been shown conclusively to the House that the label upon the can is a better guarantee than the name. The label is the trade mark and is generally known by every person who deals in this particular article, or in other articles, and as my friend on my left (Sir Frank Smith) who has been in the trade for a number of years says, he never paid attention, in making the very large purchases which his firm made, to the name that might appear upon the can, even if it were there. The question simply was whether it had a certain trade-mark and that was sufficient. It has been proved that the placing of the date upon the package, whilst there is much force in the reasoning of the hon. gentleman from Lunenburg, does, in a great measure, injure the sale of the article, and thereby not only disarranges, but injures the trade of the country. I hope the House will not accept the amendment.

Hon. Mr. REESOR—Perhaps I should not interfere in the discussion now, but I would hardly be able to vote on the question unless I should be at liberty to say a few words. The explanation that my hon. friend on my right gave would seem to mean that the dealer, who is the shipper and seller of this article, has a label of his own which he furnishes to those who are canning for him. If that is the case, he is really the canner. He has the superintendence of it and becomes responsible; and I should like to ask is his own name on the can or the name of some firm :

Hon. Sir FRANK SMITH—Does it matter whether the name of the factory is on the can? Supposing a reindeer, or a horse-shoe, or maple leaf is on the can, those are the marks we buy from, and it does not matter what factory puts up the fish.

Hon. Mr. REESOR—Don't you think that the man who has his trade-mark upon the can should have his name also?

Hon. Sir FRANK SMITH—He need not.

Hon. Mr. REESOR—So that any one wanting to buy the same article will know whom he is buying from?

Hon. Sir FRANK SMITH—If you buy the maple leaf brand, it is known all over the world. It will be far better for a purchaser to know who comprises the firm that has these cans put up and furnishes the labels. The same canner may put different labels on different lots that he gets canned, just as a miller will put different labels on different brands of flour from his mill. He may have four or five names, but you always know who the maker of that flour is. If this is done upon the same principle, then this would be sufficient.

Hon. Mr. POWER—If I may be allowed to explain, the trade-mark is part of the label; it goes on the label along with the name of the packer. The hon. the First Minister and the other hon. members of the government have contended that the trade-mark is enough, but those hon. gentlemen forget that the trade-mark is on the label along with the name, and if a man puts his name on, the trade-mark goes with it.

Hon. Sir MACKENZIE BOWELL—That is just the reason why we say the name is not necessary.

The House divided on the amendment, which was lost on the following division :—

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The Bill was then read the third time and passed.

## THE CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

Hon. Mr. McKAY moved the adoption of the Second Report of the Standing Committee on the Internal Economy and Contingent Accounts of the Senate. He said: The recommendations which are made in this report are very fully set forth with explanations and references. I do not think it is worth while wasting the time of the House giving explanations further than they appear in the report.

Hon. Mr. MACDONALD (B.C.)—I wish to call the attention of the Internal Economy Committee to the loose manner in which things are allowed to be conducted in the corridors of this House. Strangers and boys are allowed to pass through with their hats on, smoking and spitting, and they are allowed to go into rooms unchecked. Only to-day I found a stranger in my room looking through my books—a man that I had never seen before. I find at all hours strangers walking about with hats on their heads and smoking in the corridors. It should be stopped.

Hon. Mr. KAULBACH—I am very glad my hon. friend has mentioned this matter, because I was going to make a remark on the subject myself. It is certainly a great nuisance and should be stopped.

Hon. Mr. SCOTT—Some steps should be taken to prevent our restaurant being used as a common tap room. You find at all hours strangers going down there unchecked. The Speaker ought to issue a positive order to stop strangers from going to the restaurant unless they are accompanied by a member of either House.

The SPEAKER—I never heard any complaint of the kind before, but now, after the remarks that have fallen from the hon. gentlemen, I shall be most happy to comply with the wishes of the House.

The motion was agreed to.

## THE LIBRARY OF PARLIAMENT.

MOTION.

Hon. Mr. ALLAN moved the adoption of the second report of the joint committee of both Houses on the library of parliament. He said:—The only matter of importance to which I desire to call the attention of the House and which requires any special consideration is that part of the report which embodies the recommendations of the sub-committee on exchanges. The gist of that report is this: that on recent occasions considerable sums were spent on the purchase of copies of certain works of native literature for distribution to Canadian universities and for foreign exchange. Last year a number of copies of Kingsford's History of Canada, and this year a number of copies of other works for distribution or exchange were ordered, and the result of such purchases is that the funds at the disposal of the library committee for the purchase of new works is very much depleted, and therefore the sub-committee thinks that the grant to the library is not large enough to justify the purchase of books for the purpose of encouraging native literature. They recommend, therefore, that the books to be purchased by the library committee shall be confined simply to those which are useful for exchange, and that hereafter when the joint committee is disposed to encourage native literature they should bring such works to the notice of the Government, in order that a sum may be placed in the estimates for the purchase of a certain number of copies. That was the practice in former years, and it was on the recommendation of the committee, in fact, that the Government acted, if they acted at all. It is merely going back to the former practice. There is no doubt

that the purchase of books for the purpose of of encouraging native literature, if made to any extent, does cut down the amount which is placed at the disposal of the librarian for the purchase of new books so much that it is difficult to keep the library up to its proper standard. Hence the recommendation of the committee that for the future if it is considered desirable to purchase any books of that kind that instead of the purchase money coming out of the library fund, it should be recommended to the Government to put a sum in the estimates for the purchase of such books. That is really the only recommendation of any importance. The rest is merely the report of the sub-committee on accounts which are all set forth here and do not require any comment. If the House thinks that that recommendation is a wise one I trust that the report will be adopted.

The motion was agreed to.

## JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (127)—"An Act further to amend the Act respecting the Judges of Provincial Courts."

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I intimated to the Senator for Ottawa that I would let him know whether this was an increase in the salary paid to the two judges in Montreal who were generally known as Magistrates. There is no increase; it is simply fixing the salaries which have been paid to them in the past instead of having to vote it every year, making it the same as all other judges whose salaries are made statutory instead of being subject to a vote of Parliament whenever the estimates come up.

Hon. Mr. KAULBACH—Is that an increase in the number of judges?

Hon. Sir MACKENZIE BOWELL—I think it is an increase of one.

Hon. Mr. LOUGHEED—Is it intended to be retroactive?

Hon. Sir MACKENZIE BOWELL—You cannot appoint a man backwards.

Hon. Mr. LOUGHEED—Is it intended to be retroactive in regard to the salary for the first two years, $2,000 per annum and after that $2,400?

Hon. Sir MACKENZIE BOWELL—I should judge not. Unless it was made retroactive by a certain clause it could not be interpreted in that way.

Hon. Mr. MACINNES (Burlington), from the committee, reported the bill without amendments.

The bill was then read the third time and passed.

## COMMERCIAL TREATIES BILL.

IN COMMITTEE.

Hon. Sir MACKENZIE BOWELL moved that the House resolve itself into a Committee of the Whole on Bill (126) "An Act respecting Commercial Treaties affecting Canada." He said: When the House kindly allowed me to take one step yesterday with this bill it was with the understanding that, if it was desired, a full discussion could take place on the motion to go into Committee of the Whole, or in the Committee of the Whole, by those who desired to take part in the discussion. The lengthened debate which took place on this question last year, when the treaty was brought before the House by my hon. friend the Minister of Agriculture, relieves me of all necessity to repeat the arguments in its favour or to refer to it at any length. The papers have been before the House and before the country for more than twelve months. It is very well understood that a treaty was entered into between Lord Dufferin, Her Majesty's Plenipotentiary in Paris, assisted by Sir Charles Tupper, the High Commissioner for Canada, and Monsieur Hanotaux, on the part of the French nation. An arrangement was arrived at by which certain articles were to be admitted at the minimum rate of duty into France in consideration of certain reductions which were to be made in the tariff of Canada. It would be only repeating what has already been said if I were to occupy the time of the House in referring to those articles in detail. This bill is to bring the treaty into full operation. I may explain one reason why we have been delaying so long in ratifying the treaty by the Parliament of Canada. It was the result of some misunderstanding be-

tween the Imperial Government and the Dominion of Canada as to its actual meaning and bearing upon the trade of the country. The question arose as to whether the term "third powers" in the treaty would apply to the colonial possessions of the British Empire; and, if so, whether it would deprive Canada of the right to enter into reciprocal relations with any other British colony without extending the same rights, privileges and advantages to France. England's answer to that query was that it did not, that it was made between Great Britain and France, and that all her possessions formed a part of the empire and that interprovincial or intercolonial trade was not affected in any way; but it was understood, and pledged on behalf of Canada at the time the treaty was entered into between the high contracting powers, that all countries that had treaties with Great Britain in which there was what is known as the favoured-nation clause, should have all the advantages which are given to France in this treaty; that is, those countries having with Great Britain treaties which contain the clause to which I have referred and to which Canada and the colonies were made a party. I have no doubt it is known by hon. members of this House that Canada is not made a party to treaties which have been entered into of late years between Great Britain and other portion of the world—unless she so desires it. Treaties entered into between Great Britain and a foreign power, before being finally ratified, are referred to Canada with the request that Canada should intimate to Great Britain whether she desires to become a party to that treaty. In nearly all the cases which have come under my notice, we have decided not to become a party to the treaty. Sometimes because we thought it would not be in the interests of the country, and sometimes because we did not wish to be bound by the provisions of a treaty which, although it might not injuriously affect us directly, might interfere with our negotiations with other powers or with any of the colonies; but having been bound by the treaties between Great Britain and Germany, Belgium, Austria and other countries which contain those favoured-nation clauses and to which Great Britain made us a party, (that is many years ago before we took exception to being made parties to those treaties) we consented, in the negotiations with them, that they should have whatever advantages were given to France, for the reason that whatever advantages Great Britain has in the foreign market with which she has such treaties, the colonies also have the same advantages. It was also urged by Great Britain, and it has been her policy for a great many years, not to prevent, if she could help it, colonies entering into treaties which affect the trade of the country, without giving whatever advantages might arise from them to the sister colonies. This was done when Jamaica sent a deputation a few years ago to Canada for the purpose of negotiating with this country for the admission of her sugar at a lower rate of duty than was charged other countries in consideration of the lowering of the duty upon certain articles which would be sent from Canada to Jamaica. Great Britain intimated to that colony at once that in any arrangement which she might enter into with Canada, whatever advantages would accrue to Canada therefrom, must be given also to the sister colonies in any portion of the world. Accepting that policy on the part of Great Britain, we consented to extend the operations of this treaty to any of the British colonial possessions. The other clause deprives us of any right to the advantages derivable from the treaties to which I have alluded containing this favoured-nation clause, if those treaties should cease to exist or should be denounced at any time, and it also gives us power to denounce this treaty ourselves on a year's notice whenever we think it is not in the interest of Canada to continue its operation.

Hon. Mr. McCALLUM—That is the best clause in the treaty.

Hon. Sir MACKENZIE BOWELL—These are, in as a short and succinct a manner as I could put them, the provisions of the bill before the House.

Hon. Mr. McCALLUM—I moved against the adoption of the treaty last year, because I believed it to be a one-sided affair and opposed to the interests of the people of this country. In fact, I consider it, more than any other measure that I ever knew, opposed to the prosperity of this country. The party that I have been associated with since my youth, the great Conservative party, long ago adopted the national policy.

During all this time we have told the people that we should keep the Canadian market for Canadians. We have told them that we should collect the revenue necessary to meet the expenditure of this country, as much as possible off the luxuries that come into Canada. What do we find now by this treaty? We take the duty off wine to the extent of 30 per cent, and when we do that we must make up the revenue in some other way. Therefore we must tax the necessaries of life in order to make up that revenue. That was the ground I took last year, because by the adoption of this treaty, in order, as some hon. gentlemen said last year, to cultivate a taste for French wine among our people, we will be destroying a very important industry in this country—the grape-growing industry. Grape growing and the manufacture of wine are growing industries. What do we get in return for this treaty, under which we are obliged to give 20 other countries the same terms that we have given France? Reduced rates on 20 articles, and one of them is eels. I call it a wine-and-eels treaty. The National Policy is gone altogether on that point, and how can I appeal to the people of the country on this question? If I understand the treaty, and I think I do, we have got to ship direct to France in order to get the advantage of the minimum tariff. Has France got a line to enable us to take advantage of the treaty? No, it is a one-sided affair. It has been said that the treaty will not go into operation unless we have direct communication with France. I find the following in the *Mail and Empire*, the organ of the Government, published the 21st March last :

> Steps are being taken by the Department of Trade and Commerce to ascertain the terms on which a direct steamship service can be maintained between Canada and France and Belgium. On this side of the Atlantic the ports will be Montreal and Quebec in summer, and Halifax and St. John in winter. With such a service, a great impetus to our trade with the countries named is expected. Besides this, a direct line to France is understood to be necessary before Canada can enjoy the full advantages of the French treaty. Tenders will shortly be asked for the service, and this will enable the government to form a conclusion as to its probable cost.

The hon. gentleman who is at the head of the government now was for a long time Minister of Trade and Commerce. Will he be kind enough to tell us what arrangements he has made about that steamship service? Last session we had an assurance that there was no necessity for direct communication. We have a number of steamship lines subsidized now ; that is all right, no doubt, and in the interests of the country, but are we going to have another subsidized? The organ of the party says that we are. I can see no reason why I should change my mind on this subject. The treaty ties our hands so that we cannot negotiate a treaty with any other power without placing France on the same level with them. My hon. friend says that we have the power of terminating the treaty on one year's notice. I am very glad of it ; it is the only clause in the whole treaty that I approve of, or that the people of this country can approve of. The idea of making a treaty for the purpose of flooding this country with foreign wine when we can make all the wine that we use ourselves! The effect of the treaty will be to destroy a growing industry in which large numbers of people are engaged to-day. When we went before the public we said we wished to encourage the industries of the country. Are we encouraging them now? We are encouraging the industries of France. There is a good deal of sentiment in this matter. It may be a good and noble sentiment ; but every Frenchman in this House and in the other House voted for that treaty. They must have thought it was beneficial to France, or they would not have voted so unanimously for it. I voted against this treaty last year, and I shall vote against it this year if I stand alone ; and, therefore, I move that Mr. Speaker do not leave the chair to go into Committee of the Whole House to-day, but that we go into the Committee of the Whole House on this bill this day six months.

Hon. Mr. BOULTON—Hon. gentlemen, in seconding the motion of my hon. friend from Monck, I do not know that I second it exactly from the same standpoint that he takes in opposing the treaty now before the House. He opposes it on the ground of the National Policy—that it is a free trade measure. In so far as it is a free trade measure I am thoroughly in accord with the principles of the treaty ; but there is an element in the treaty that I protested against last year and I think it is not inconsistent with the principles that I argued for last year that I should enter the same protest now that the treaty has come into the House a

second time. Why has the treaty come in the House the second time? It is because the government in bringing down or negotiating the treaty last year did not provide for the legislation that they are now putting upon the statute-book in order to make it effectual so far as our relations with our sister colonies are concerned. I would like to drawthe attention of this honourable House to the remarks I made in discussing the treaty last year so far as the favoured nation clauses are concerned. I said:

> We have most-favoured nation treaties with the following nations negotiated by Great Britain in which we are included: Argentine Republic, Austria, Corea and Hungary, Belgium, Bolivia, Chili, Costa Rica, Denmark, Egypt, Germany, Madagascar, Mexico, Montenegro, Morocco, Persia, Russia, Sandwich Islands, Siam, Norway and Sweden, Tunis, Uruguay, Venezuela and Zanzibar. England has favoured-nations treaties with a large number of other nations, but Canada is only included in those I have mentioned, some 31 in number. We have entered into most-favoured nations treaties with the nations I have mentioned here and any concession that we give to France now in our markets carries also with it, of course, the imposition or benefit of most-favoured nation treatment with all those nations.

I pointed that out last year, and I pointed out further in my remarks that it would be absolutely necessary before this treaty went into force that legislation should be put upon the statute-book in order to put Australia and the rest of the British possessions on the same equality or footing in the Canadian markets as we were according to the foreign nations I have mentioned; and I will just read my remarks upon that occasion:

> Mr. Foster, in the House of Commons, has told us that under the most favoured nations treatment all the nations in Europe with whom we have most favoured nation treaties will be included; and notwithstanding a conference we held here the other day, for the purpose of negotiating with our sister colonies for better treatment, if this treaty were carried out, and no legislation enacted, France would be sending her wines in here at 50 per cent less tariff than our sister colonies would be allowed to send in from the Cape of Good Hope and Australia.
>
> Hon. Mr. ANGERS—Oh, no, it does not affect them at all.
>
> Hon. Mr. BOULTON—I beg pardon, at the present moment you have to enact legislation which will enable Australia to send their wine in at the same rate as France now obtains in this treaty.

I simply point this out in order to justify the lengthened remarks that I made upon the introduction of the treaty last year. Hon. gentlemen in this House do not agree with me always in the views that I advance; but at the same time I hope hon. gentlemen will give me credit for having had the foresight to point this difficulty out and it is probably the fact that having pointed the difficulty out it caused the government to delay the passage of the treaty until it had acted fairly and honourably towards the rest of the British possessions. At any rate, whatever the motive was, I have pointed the facts as contained in my remarks last year, which this legislation is now justifying. Now, there is another position that I took in regard to the treaty, and I think that it is necessary that I should enter the same protest that I entered last year in regard to it. We have, as I pointed out, negotiated a commercial treaty with a large foreign nation on our own behalf for the first time, exclusively for the benefit of Canadian interests. I pointed out then that the negotiation had taken a form which I thought was injurious to Canada, that it was a very bad precedent for us to put upon the statute-book a treaty that contains the principle of most favoured nation treatment which this treaty contains, that we should not establish a precedent, but refer it back for the purpose of putting it on what I call equitable grounds. Now what is theposition that this treaty puts us in? We have most favoured-nation treaty with France in the twenty articles mentioned in the treaty, but only in the twenty articles mentioned in the treaty have we a right to enter under the minimum tariff that is conceded to other nations. But France has the right to enter Canada upon the lowest tariff that we may give to any nation in all our commerce. We exchange the whole of Canadian commerce under most favoured-nation treatment merely for the benefit of most favoured-nation treatment in twenty articles that go into France from Canada. I think hon. gentlemen that that is an unwise precedent for us to establish in the negotiation of treaties. I am in favour of the treaty. I am in favour of having treaties with France and foreign nations. I believe that the more extended that you can make your commerce the more competition you can invite into your own country, the better position you are going to place our population in, the better articles they will have in consequence of that competition, the lower prices they will have in conse-

quence of that competition, and in consequence of that lower price they enjoy, they will be able to supply themselves with a greater number of the necessaries and comforts of life than they would by enhancing the prices through monopoly and restriction under protection. I welcome treaties of this kind, but when the treaties are passed I say they should be passed on an equitable basis as between nations. As I stated last year the purchasing power of Canada is only equal to its selling power; that we could not sell more to France even if there are 40,000,000 people in that market than the selling power of the 5,000,000 people in Canada, to whose market Canada is to have access, and you could not buy more from France in the same way, and we should enjoy from France the same favoured nation treatment of all the articles we produce for foreign export if we give to France in all of the articles they produce for export. I see by the papers that France has negotiated a treaty with Switzerland, by which she is giving the minimum tariff to Switzerland in several articles. We are not going to enjoy the benefit of the minimum tariff or the most favoured-nations treatment that has been accorded to Switzerland. I see that one of the articles mentioned in the treaty with Switzerland is cheese. We are not going to have the benefit of sending Canadian cheese into France in competition with Switzerland under the minimum tariff. If we had negotiated a treaty in the way I have mentioned namely, equality of commerce, we would be able to send our cheese into France under the minimum tariff, and there would have been so much more advantage to be gained under most favoured-nations treatment by the people of Canada and the treaty would have possessed so much more value. For that reason I say that in order to be consistent in the position I took last year I must enter my protest once more against the negotiation of a treaty on that basis. Not that I am at all hostile to the treaty on the same grounds as my hon. friend. I do not fear at all the entering into Canada of light wines at the 25 per cent duty, because that is quite sufficient protection for the growth of our wines in Canada. The taste for light wines is a healthy taste as compared with the taste for spirits, as compared with the taste for stronger liquor, and in that way I say this treaty is likely to produce a beneficial effect. I should like to see the duty on excise on spirits raised and a taste for light wines cultivated. We can increase immensely the production of light wine greatly to the health of the community and the profit of the country, and for that reason I do not take the same objection, but in seconding the motion my protest is confined to that particular phrase of the treaty in so far as our obtaining only most favoured nation treatment in regard to the twenty articles mentioned in the treaty, whilst giving most favoured nation treatment to France in the whole of Canadian commerce.

Hon. Mr. KAULBACH—I cannot understand my hon. friend's argument, coming from a free trader. His principle is this: that our prosperity depends on the industry, the products of other countries. This doctrine of unrestricted free trade he has propounded in sundry ways and at divers times and places, that we should pursue a policy which would leave our market open to the whole world; every person could come in here and have control of our market without any duties at all. He would give everything away, and now turns round and says in effect that our tariff should not be lowered unless in return for some substantial privilege granted by France, that we do not get an equivalent for this treaty with France, that we should not throw our markets open at all if we do not get an equivalent—that we are giving a great deal away and getting nothing in return. I cannot understand the hon. gentleman's idea of consistency. We are not responsible for the treaties with Germany and Belgium and other countries, although I know that in the maritime provinces we have gained from the favoured-nations clauses. When the Spanish West Indies made a treaty with Norway to admit Norwegian fish at a lower rate of duty than was imposed on the fish of other countries, we immediately claimed, under the treaty that England had negotiated with Spain, that we had a right to the same advantages and our claim was granted. We get benefit sometimes from this favoured-nations clause which England has in her treaties with other countries. I am not going into the details of the treaty now. It was fully debated by us last Session. I believe is will be a benefit to us. I can understand the argument of my hon. friend

from Monck, who believes as I do that the prosperity of Canada depends on the industry of its people—that our first duty is in fostering the industries of the country; but it is so singular to find an extreme free trader as the hon. member for Marquette seconding his motion. I wonder that they can work together. They are as far as the poles asunder in their views on the tariff question, yet they combine to defeat this measure. I believe this treaty is in the right direction, that it is carrying out our trade policy, in extending our foreign markets when to our interest and that the country will benefit by it. The articles that we admit at a reduced duty are nuts, prunes, castile soap and wine.

Very few other countries produce those articles, or send to us to an extent to affect our markets. The customs returns do not show that we are deluged with wines, fruit, nuts or castile soaps from other countries, and we need not fear that by opening up this trade with France we will be giving advantages to other countries to our own disadvantage. Perhaps my hon. friend from Shell River is going back to his early convictions, his first love, to the policy of protection; certainly he argues that when we give away anything we should get something in return. I am glad that he is going back to his early principles and there is reason to hope that before long we shall find him supporting the government. This treaty does not stand in the way of future trade relations with the United States or other countries. We can give England twelve months' notice of abrogation. But I must repeat that I am at a loss to conceive how those of our opponents who have adopted a policy of free trade as they have it in England, object to this treaty which is designed to make trade freer.

Hon. Mr. BOULTON—The principle of free trade is to tax luxuries of this kind.

Hon. Mr. SCOTT—When this treaty was first being negotiated in February and March, 1893, the general belief in Parliament was that we were negotiating a treaty strictly with France and not with a dozen or two dozen other countries, and even then the treaty was not received with very great favour that year. The Finance Minister in 1893, speaking for the government, said:—

> Parliament will not be asked to ratify the treaty this year. I think it is also well to state that one of the chief points which the government have to keep in view, is with respect to the favoured—nations clause. Whatever may have been our understanding with respect to all the other clauses of the treaty, as to articles which were to be allowed to come in, it is perfectly true that by our telegram of the 12th January we assented to these clauses, whether we fully understand them here or not, and are responsible for them. But with respect to the extensions of the most favoured—nation treatment, that was never contemplated by the government, that was not included in our instructions, and, so far as that is concerned, was entirely beyond the wish of the government.

In discussing the treaty that year we were under the impression that it would only involve favoured nations clauses with Belgium and with Austria-Hungary. As the hon. gentleman from Shell River has observed, when the matter was discussed last year it was somewhat broadened by a belief that there were other nations which would be entitled to come in under the favoured nations clause, but it was never thought for a moment that it would be so universal. The present bill is the outcome, I suppose, of the insistance of the British Government that it should be put in the form of a statute, in order that we should not repudiate the agreement. I have the impression that the government, through the Finance Minister, had stated when it became generally known that so many other countries were going to participate in this treaty, that we were to offer no discrimination against any other country. The United States were particularly alluded to. Canada is not included in the favoured nations clause in the treaty between England and the United States. Reference was made particularly to the United States, and my impression is that it was then said that the policy of the government would be, so far as those particular articles were concerned, not to discriminate against any country. However, I may be in error on that. Now, I think we have very properly included all the colonies. The sentiment that the Canadian people have expressed through their representatives in Parliament has been decidedly in favour of having control of trade arrangements with other countries ourselves, and many members have taken a prominent position in discussing the question from that point of view in years past, more particularly Mr. Blake, when he occupied a seat in Parliament. He was very strongly of the opinion that we should take a decided stand on this subject, and should have control of our own treaties.

In 1891, the present government felt so strongly on this subject, that a petition was adopted by Parliament,—I believe by unanimous consent,—calling the attention of the Imperial Government to Canada's position, and to the manner in which Canadian interests would be severely prejudiced in the event of our making treaties of reciprocity with any other country by reason of this favoured-nations clause. In the Senate Journals of 1891 I find the following :

Your memorialists desire, in the first place, to draw attention to certain stipulations in the existing treaties with Belgium and with the German Zollverein, ordinarily referred to as the "most favoured-nation" clauses, which are extended to other countries whose commercial treaties with Great Britain contain a "most favoured-nation" clause, and which apply to British colonies.

At that time we did not thoroughly realize all the countries that would be entitled to trade with Canada under the favoured-nation clause, because of recent years we have not been included in such treaties. In the earlier years all the colonies were included. I have here the imperial return of the different countries which have the most favoured nation clause with Great Britain, and I notice all the earliest treaties—say before 1860—included the colonies. Since confederation, perhaps a year or two before it, certain colonies were exempted. I think the hon. gentleman from Shell River is in error when he mentioned the number that he did. I do not think the number is as large as he said, because, according to my notes, a number of the countries which he mentioned are not entitled to come in, as the treaties were made with them subsequently to the time when Canada made a stand, and was specially excluded. However, I think the number is thirteen or fourteen altogether that would come in, exclusive of the British colonies. This petition to the Parliament of Canada referred only to those treaties with Belgium and the German Zollverein. It says :

Your memorialists earnestly desire to foster and extend the trade of the Dominion with the empire, and its great neighbour, the United States, and with other countries throughout the world, wherever opportunity offers ; and believe that by mutual concessions, and the adoption of measures for the rearrangement of trade relations between the various portions of the British empire, and between the empire and foreign nations, important and lasting beneficial results may be obtained, and that to the way of the attainment of these great objects, the continuation of the restrictions imposed upon Canada and other portions of the empire by the so-called favoured-nations clause creates an unnecessery and unjustifiable obstruction.

We asked, so far as Canada is concerned, that Her Majesty's government would denounce those several treaties in order to free Canada from the effect of that clause. That was the universal opinion of Parliament, that that should be done before we entered into any treaty. At the time we entered into this treaty with France, it was not supposed that the favoured-nations clause applied so generally as it does to-day. The consequence is that Canada will be placed at a disadvantage. I am not prepared to say that if we made a treaty of reciprocity with another country we should be obliged to give to France and all other countries having the favoured-nations clause equal privileges in our markets. That, I believe, is a debatable point. I believe it has been held by some authorities that if a reciprocity treaty is made it does not necessarily follow that countries having a treaty containing the favoured-nations clause would be entitled to come in and share the advantages derivable by the country with which the reciprocity treaty was made. In other words, if we made a reciprocity treaty with the United States, it is debatable whether France could come in and claim the advantages, although a clause in this treaty is very strong and would embarrass us seriously. It says :

Any commercial advantages granted by Canada to any third power, especially in tariff matters, shall be enjoyed fully by France, Algeria and the French colonies.

I think it is almost beyond doubt that France would be entitled, if we made a reciprocity treaty with another country, to come in and share all the advantages. That was never contemplated, and I think if it is not too late we should specially exempt from the operation of the treaty with France any negotiations we might make to obtain reciprocal relations with another country.

Hon. Mr. MACDONALD (B.C.)—We cannot touch the treaty now.

Hon. Mr. SCOTT—We cannot alter the treaty. We have confirmed it by Act of Parliament, which I suppose is not in force until the treaty is effected, but hon. gentlemen will see that it opens the way to very serious embarrassment, and that we have drifted into a position which may affect us very

seriously in the future. If this paragraph can be construed that in the event of our entering into a reciprocity treaty with another country, under this clause France could come in and claim similar advantages, it would affect our revenue very seriously. We get no *quid pro quo*, because our privileges in France are limited to a very few articles and to the minimum tariff whatever that may be.

Hon. Mr. POIRIER—Even without that I think France could come in.

Hon. Mr. SCOTT—So much the worse. If we had a treaty with France that was a fair and equitable treaty, and did not necessarily affect our relations with other countries, we would know where we were, but we are at sea now: we do not know where this treaty is going to end. It may affect very seriously the revenue of this country. France gives us no corresponding advantages. No one can pretend to say that our sending articles to France under the minimum tariff will compensate us for throwing open our markets to the articles named here exported from France. I regard the treaty as entirely one-sided, and one which in 1893 we never would have thought of accepting, because the whole spirit of the debate in 1893 was against any such proposition. It was only on the assumption that the favoured-nations clause was not to apply so largely that it was accepted. Great Britain has taken a positive stand on the subject and says you must pass an Act of Parliament because we cannot rely upon Orders in Council for your observance of the treaties that we have made with those countries. Great Britain is exceedingly sensitive with regard to treaties and very properly so, because she is regarded as the most honourable of the nations of the world, and therefore she does not wish to be placed in any false position by leaving this an open question in Canada, and so the British officials have insisted on our having this bill passed. As the hon. gentleman from Monck says, it will destroy the wine industry of Canada. Many of the countries that I have named are large producers of wine, more particularly the Argentine Republic, Australia and Hungary, and therefore in a measure it does destroy the Canadian industry of wine growing. We all know there was a strong protest on that ground from that industry, and one which I think out to have received more attention from Parliament. I presume the matter has gone so far now that it is beyond recall, but it is unfortunate that we should have drifted into that position, because at the time the treaty was first discussed, the public sentiment of Canada was decidedly against it if it entailed the consequences that we now feel must follow on its adoption.

Hon. Mr. SNOWBALL—I have at all times taken a deep interest in this subject Coming from the maritime provinces I naturally look upon it in a different light from that in which it is viewed by that portion of the members of this House coming from the west. Before proceeding further, however, I think an apology is due to a large portion of this House for some remarks that have been made here. While not a Frenchman myself, I am a representative of France, and I, therefore, resent anything that may be derogatory to them. The hon. gentleman from Monck said that this treaty was altogether favourable to France, and he undertook to prove the assertion by saying that every French member of both Houses voted for it, and they did so because they thought that France was most benefited.

Hon. Mr. McCALLUM—I said it was a matter of sentiment a good deal with the French members, because they all voted for it.

Hon. Mr. SNOWBALL—I accept the apology.

Hon. Mr. McCALLUM—There is no apology about it.

Hon. Mr. SNOWBALL—He intimated that a large portion of this House were French before being Canadians or British. The hon. gentleman from Monck also seems to think that there is no communication between this country and France, and that without a steamboat subsidy and a line of steamers nothing could be done. He imagines there is nothing more bulky than eels and cheese to send to that country. If he would take a trip to the lower provinces, he would see that there is a very large trade carried on between Canada and France. A few years ago a trade was being worked up between the maritime provinces and France.

I have no doubt there was also a large export from Quebec of timber and wood, of which I know nothing, because I do not keep a record of the Quebec exports, but I do keep a record of the exports from Nova Scotia and New Brunswick, and I can speak with some accuracy in reference to it. A few years ago we had succeeded in building up a trade with France by which France took 14 per cent of all the exports of wood from the lower provinces, and I believe it was much larger as the returns I have from Nova Scotia do not give me the destination of all the shipments, but I am speaking within bounds when I say that the export was 14 per cent, but since the differential treaty, our trade dropped down to 4 per cent. There has been an effort made to get our exports to France put on the same footing as the exports from the most favoured nations. This treaty has been under consideration for years and if we were going to make any alteration to it we should have done so before. It has already been agreed to by the French Chambers and Great Britain, and if we make any change now two years may be again wasted. French merchants have been given to understand that there is no doubt in the world but that the treaty will be ratified. The circumstances surrounding the negotiations have justified it. So far as Canada is concerned it was ratified last session, and that was represented to the French buyers. I tell my hon. friend from Monck that although I am one of the small exporters, I have already sent this year to France 194,142 francs worth of property carried by four ships, one steamship and the others sailing vessels. If you want to get more direct communication with France you can go down to the port of Chatham and there you will find a direct trade every week. If you want to send over anything I can get it exported for you to a French port.

Hon. Mr. McCALLUM—When I spoke of a direct trade with France I said we could not take advantage of the Treaty without subsidizing a line of steamers to France. I know the hon. gentleman can send lumber direct, but I understand that we cannot break bulk, but must ship direct. We cannot take advantage of the treaty without subsidizing a line of steamers to go there, and I object to the expense of giving a subsidy to a line of steamers because we are carrying all the indebtedness now that we ought.

Hon. Mr. SNOWBALL—We have no regular line of steamers, but we have steamers plying between the lower province ports and France without any subsidy from the government. We are maintaining a direct trade with that country without any subsidies.

Hon. Sir. MACKENZIE BOWELL—What steamers are they ?

Hon. Mr. SNOWBALL—I cannot tell you—tramp steamers you may call them.

Hon. Mr. POWER—Ocean tramps.

Hon. Sir MACKENZIE BOWELL—I was not aware of any line.

Hon. Mr. SNOWBALL—There is no regular line. When my own trade has exceeded in two months this season, over $40,000 there must be a considerable trade with that country. Now if the people of France had not distinctly understood that they were going to get their goods in this season under the lowest tariff, I am positive they would not have bought, and it was only with that distinct belief on their part that they did purchase, and it would be doing a great injury to them not to ratify the treaty as it now stands. If we were going to repudiate the treaty we should have done it long ago. I hope the House will see fit to ratify the treaty in its present form, and give us some little advantage in our exports. Canada does not supply Great Britain with 20 per cent of the wood she consumes, and the trade is not as great as people imagine. Norway and Sweden supply her with over 30 per cent and we supply under 20 per cent. The United States come next with about 20 per cent and Germany and other countries also supply large quantities. I repeat the whole of the provinces of the Dominion of Canada do not send to Great Britain more than 20 per cent of the wood import of that country. Our trade is hampered; it is bearing a large portion of the tax of this country. There are other trades besides the trade in wood which will derive great advantages from that treaty by closer trade relations, and we should be allowed to send our wood into a

country that is a free buyer of what we produce in this country. I hope the treaty will be quickly ratified so that the owners of the cargoes which left our ports a few days since may get the benefit of the minimum tariff.

Hon. Mr. POWER—I propose to vote for the motion of the hon. member from Monck. We have ratified the French treaty already. I think that we made a mistake in doing so, and I think we shall make a still further mistake in passing this bill, which purports to extend to a number of other countries the advantages that the Act of last year gave to France. There is another point to which sufficient attention has not been called. I did not hear the hon. the first minister make any reference to it at all in discussing the matter. It is this: that those other countries are in a totally different position from France, because France offers us an equivalent. Some of us think that what was offered by France was not a full and satisfactory equivalent for what we gave, but France did give us something in return. Now we propose to confer upon the Australian colonies, upon Germany, upon Belgium and upon Austria-Hungary the same advantages which we gave last year to France, while these countries give us nothing at all.

Hon. Mr. BOULTON—They give us a larger return than France. France gives us favoured-nation treatment in twenty article, and those countries give us favoured-nation treatment in all our commerce.

Hon. Mr. POWER—I understood the hon. member from Shell River, or the hon. member from Ottawa, to say that in treaties of recent date Canada was not included. Do I understand that Canada is included in the treaty with Austria-Hungary?

Hon. Mr. BOULTON—Certainly she is.

Hon. Mr. POWER—And under that treaty we are entitled to the same treatment?

Hon. Mr. BOULTON—Yes, certainly, in all our commerce.

Hon. Mr. POWER—We are entitled to that now without the passage of the bill. I am substantially right; for the concessions we make in this bill we get nothing in return. If we have made the concession, then this bill is not necessary; if we have not made the concession, we ought not to pass the bill, because we are giving something away and getting nothing in return. I think it is to be regretted that while the policy of the government continues to be protection, they should adopt such a measure as this. I am not surprised that my hon. colleague should laugh at the idea that the policy of this government is protection, in the face of such a measure as this—in this House where the leader nailed the protection flag to the mast, but still asks the House to accept a measure of this kind.

Hon. Mr. ALMON—I am laughing at the hon. gentleman for opposing the bill.

Hon. Mr. POWER—I believe in being consistent and logical, and while the policy of the government is a policy of protection, I think it is highly objectionable that the wine growers of this country should be exposed to the competition of those of France, Australia, Germany, Austria-Hungary and Spain; and, on the other hand, as a free trader, I might tell my hon. colleague that I should be opposed to admitting luxuries into the country free of duty. If we are to have a free trade tariff, then I should rather propose to allow cheap clothing and other necessaries of life to come in free. I do not see what Canada has to gain by the passing of this bill. Let the favoured-nation treaties speak for themselves. I do not see why we should interfere; we do not always show so much regard for the wishes and interests of Great Britain in commercial matters. We did not show the slightest regard for Great Britain when we adopted the National Policy, and I think Canada had better look after her own interest, and I think her interest is adverse to the passage of this bill.

Hon. Mr. DEVER—This treaty was discussed fully last year and if it had not been for the fact that a debate has sprung up just now I think I would hardly be disposed to say anything. However, I cannot allow certain cardinal points argued against this treaty to go abroad without some explanation. The hon. gentleman from Halifax said that this was allowing the luxuries of France to come in duty free. I am not aware that the wine of France is coming in duty free. There is a reduction in the duty that was put on by the National Policy

so as to enable this country to make a treaty with foreign countries. I believe we would do the same with the United States if they would give us an equivalent. That being the case, I do not see that there is any substantial argument in the remarks of my hon. friend to my right. The hon. gentleman from Ottawa made some remarks also which I think should be noticed. He said that he thought this would injure us in our trade with any nation we might wish to trade with. It cannot injure us more than one year, because by the conditions of the treaty it can be abrogated in that time; consequently we could only suffer one year. He also claims that this treaty will be the means of reducing our revenue. I take issue with him in that also, because a certain portion of wine comes from France, the duty on which has been raised too high. For instance, sparkling wine pays a duty of some $6 or $8 per dozen and everybody knows that with such a duty that wine will not be consumed by the ordinary citizen. I also raise the point that the admission of champagne and sparkling wines can be no injury at all to the manufacturer of native wines. I wish the hon. gentleman from Monck to pay particular attention to this, because he seems to be under the impression that the introduction of champagne would be injurious to the manufacturer of native wine. We do not manufacture champagne, at all, and consequently it cannot injure this country in that article. In my opinion we are not giving much to France for what we are getting. French wine will be imported; that is, a certain portion will be imported; for really we cannot do without it. We have native wines, it is true, but those who can afford to have French wines will import them, and we can pay for them in the productions of the country. We can send France a very large list of productions, and I deny, in toto, that our exports have to be confined to eels and one or two other things. On the contrary, we can send wood extensively into France. We can also send canned beef, canned fish and food of various kinds. We can also send paving blocks and things that we produce and for which we should be very glad to have an open market in return for the small concessions we are making in taking what we will take, whether we get the market or not. I do not see any necessity to continue the debate longer. Hon. gentlemen will see that after all those who support this treaty have a deeper interest in it than being merely Frenchmen.

Hon. Mr. BERNIER—From what was said a few moments ago, it appears that some member has said that the French senators supported the treaty on account of being of French origin.

Several hon. MEMBERS—No, no.

Hon. Mr. SCOTT—There are more English than French senators supporting it.

Hon. Mr. BERNIER—I understood from the hon. gentleman from Chatham that it was stated by an hon. member that it was a sentimental affair with those of us who are of French origin.

Hon. Mr. SNOWBALL—But nobody believed it.

Hon. Mr. BERNIER—My desire is to explain that we are supporting this treaty because it is in accord with the policy of the government adopted long ago. It has been the policy of the government of Canada for many years to increase our trade with other nations, and that policy is a sound one. On that ground we support the treaty, because we think it will afford a considerable increase of our trade. France is a country of immense resources. It is a good market for all nations and Canada should try to secure admission to that market. Our efforts have been directed in that way for many years. Up to the present we have not been successful. Here is an opportunity to open an increasing trade with France, and it seems to me we should not miss the opportunity. That is the principal reason for supporting the treaty.

Hon Sir MACKENZIE BOWELL—I have one explanation to make in reference to the statement made by the hon. senator from Monck in relation to the paragraph which he read referring to a subsidy to a line of steamers between Canada and France. I am quite sure that the correspondent of that paper had no authority for making the statement that the government considered the treaty could not be carried out unless there was a direct line of steamers. If he will refer to a telegram sent by myself on the 12th January, 1893, he will find that I stated on behalf of the government that we could not accept the conditions involved in the clauses regarding the steamship subvention. That referred

to a proposition which was made by France during the negotiations that we should establish a line of steamers and grant them a subsidy of half a million dollars per annum. The House will remember that there was a proposition before the Parliament of Canada for the subsidizing of a line of steamers to ply between Canada and France and England, or England to France and then to Canada. We declined to accept that proposition. I may say, however, my own view of this treaty is that it will not be of that advantage to Canada which it should be, unless we have a direct line of steamers running between Canada and France, and vice versa. The government, recognizing the force of the argument, and recognizing the necessity for it, advertised for tenders for a line of steamers between Canada and France and Belgium, and to call on the return voyage from Belgium, at one of the principal ports in France and thence direct to Canada. The advantage to be derived from the establishment of a line of that kind is to relieve the trade of the country from the *surtaxe d'entrepot*, which is imposed upon all articles that are taken into France that are not imported direct. I freely confess that unless we have that line of steamers we will not derive the advantages that we should derive from the ratification of this treaty. Tenders were called for, and tenders are now in the Trade and Commerce Department for the establishment of a fortnightly line of 10-knot steamers to be subsidized to the amount of $50,000 per annum; and another subsidized to the amount of $125,000, for 13-knot steamers. The question that is really being considered by the government is which line they will subsidize.

Hon. Mr. BOULTON—Is that line to run from Montreal?

Hon. Sir MACKENZIE BOWELL—From Montreal and Quebec in the summer, and from Halifax or St. John in the winter. One remark made by my hon. friend from Shell River rather staggered me. He stated that the wine coming from France into Canada would be admitted 50 per cent cheaper than from any other country.

Hon. Mr. BOULTON—Than from the colonies.

Hon. Sir MACKENZIE BOWELL—That makes the hon. gentleman's case worse. Because the terms of the treaty are such as to admit the wines from all the British colonies at the same rate imposed on wines imported from France. The distinction between the duties upon wines from different countries only applies to those countries who have not the favoured-nations clause in their treaties with Great Britain. It could not be 50 per cent, because the amount of the reduction is only 30 per cent. The duty upon wines is 25 cents per gallon and 30 per cent ad valorem for a strength of 26 degrees, and three cents for every degree above that. The reduction of the duty upon wines is to apply to all countries with which we have the favoured-nations clause, with the colonies of Great Britain, and with France.

Hon. Mr. BOULTON—Do I understand the leader of the government to say that without this legislation Australian wines would be admitted at as low a rate as French wines?

Hon. Sir MACKENZIE BOWELL—I said nothing of the kind. I said that this treaty, if ratified, would allow wines of no greater strength than 26 degrees to come from France at 25 cents a gallon, and over 26 degrees in strength at 3 cents for each additional degree. That applies to colonies as well under the treaty.

Hon. Mr. BOULTON—Only under this legislation.

Hon. Sir MACKENZIE BOWELL—Only under this legislation. My hon. friend from Halifax evidently had not been studying the tariff for some years past. There has been a standing paragraph in the tariff ever since 1879, when Sir Leonard Tilley proposed the first tariff under the National Policy, providing for the removal of the 30 per cent duty from any country that would reciprocate in the same way. It is there and it is in the tariff to-day, so that we are only carrying out the policy that was inaugurated by the government of Canada, and to which my hon. friend from St. Boniface refers, ever since the National Policy was established.

Hon. Mr. MACDONALD (B.C.)—Has France made any objection to the enlarging of the treaty under this bill?

Hon. Sir MACKENZIE BOWELL—No; my hon. friend from Ottawa read from a speech delivered by the Minister of Finance which I confess took me somewhat by surprise.

Hon. Mr. SCOTT—Delivered in 1893.

Hon. Sir MACKENZIE BOWELL—Yes, I understand it was in 1893. I am quite sure that that speech cannot have been correctly reported, because he must have known better. Here is a telegram sent by myself, dated 12th January, 1893, long before the speech to which the hon. gentleman refers was made It reads as follows :

To Sir Chas. Tupper.

Re French negotiation, government cannot accept conditions involved in clauses regarding steamship subvention and reduction of duty on French books, but agree to most favoured-nation treatment so far as articles named in treaty are concerned.

Now that is distinct enough.

Hon. Mr. SCOTT—This may have been at an earlier date.

Hon. Sir MACKENZIE BOWELL—It cannot have been at an earlier date, because this was during the negotiation of the treaty, while we were corresponding—Sir John Thompson and myself as Minister of Trade and Commerce, with Sir Charles Tupper—as to the nature and character of the treaty in every particular so far as it affected the trade of the country. The balance of the telegram is as follows :

They agree to other conditions in return for minimum tariff on articles named as regards France, St. Pierre and Miquelon. This subject to your views as to effect on proposed Spanish negotiations.

At that time, and just before, Sir Charles Tupper was in negotiation with Spain on this very question of wine, to ascertain whether they would take the produce of Canada at a low rate of duty, providing we put in force that clause of the tariff to which I have referred. I desire to make that explanation, because I am quite sure my colleague, the Minister of Finance, must have been misreported at that time. It will also be borne in mind by those who have read with any attention the debates of the House of Commons, that Sir John Thompson stated during the debate—and it was afterwards repeated by the Finance Minister—that though they did not consider the treaty compelled them to make the concessions to the colonies, yet as it was a part of the policy of Great Britain, they would give the colonies, under the circumstances, the same advantages as they gave to France. I make that explanation to show that Parliament, and every one who read the debates at that time knew, what concession we were making.

Hon. Mr. SCOTT—Was it not only after the convention with the Australian delegates here that we decided to give the colonies the advantage ?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT—I did not think it was intended at first.

Hon. Sir MACKENZIE BOWELL—During the debate upon this question in the House of Commons, the declaration was made by Sir John Thompson, then Minister of Justice, and by the Finance Minister, Mr. Foster. The question did come up, the hon. gentleman will remember, and was discussed during the sittings of the colonial conference. My recollection is that Mr. Foster stated at that time that the colonies would receive the same advantages as France under the treaty. I do not desire to enter into the question of the National Policy as it affects the lumber trade, but if my hon. friend from Chatham will take the trouble, when he has a little leisure, to read the speeches made by our late colleague, Senator Burns, in the lower House, and one by the present speaker of the House of Commons, Mr. White—if he will listen to reason, and will read those speeches carefully, he will come to the conclusion that he is only reiterating an exploded story that we hear so often, that the National Policy has almost ruined the lumber trade. Those gentlemen proved beyond a peradventure that there is not a single article that enters into consumption in their business which is not as cheap or cheaper than before the National Policy was inaugurated, while the price of lumber is better. I can understand my hon. friend's anxiety for this treaty, and I am very glad to know that it is going to recoup him for the great loss which he thinks he has sustained by the national policy, and I can only hope that if this treaty is ratified he may have a fast line of steamers running between his mills and France, and that he can find a market for

all he has to sell. Of course, we can forgive the senior member for Halifax for the delight he takes in always picking at the Pational Policy. He complimented his colleague from Halifax by saying that he liked a joke. Most of us do, but if anybody can fathom the joke that the hon. gentleman perpetrated to-day, I must confess that I am too dull to comprehend it. I could enter into an elaborate argument as to the effect that the treaty will have on the trade of the country, but that was described so fully last year that it is not necessary to repeat it now. One hon. gentleman said that the treaty should be amended. We have no power to amend it; we must accept it as it is, or reject it. We can make no amendment to any of the clauses, because if we change it in the least, it would have to go back to France for a ratification of that change, and they might throw it out altogether. My hon. friend from Monck says "throw it out." I think we had better try this treaty and its effects on the country, and if it is not as advantageous as we expect, or if it is, as the hon. gentleman who opposed it said, one sided, then we can take advantage of the power given us to notify France that we will abrogate it at the end of a year.

The Senate then divided on the amendment, which was rejected by the following division:

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The House then resolved itself into a committee on the bill.

Hon. Mr. VIDAL, from the committee, reported the bill without amendments.

The bill was then read the third time and passed.

## BILLS INTRODUCED.

Bill (136) "An Act respecting the discharge of a mortgage to Her Majesty known as the Markland Mortgage."—(Sir Mackenzie Bowell.)

Bill (68) "An Act further to amend the Dominion Elections Act."—(Sir Mackenzie Bowell.)

Bill (114) "An Act to amend the Act respecting roads and road allowances in the province of Manitoba."—(Sir Mackenzie Bowell.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Thursday, 11th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THIRD READING.

Bill (117) "An Act respecting the Chambre de Commerce du District de Montréal."—(Mr. Desjardins.)

## THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. SCOTT—Before the House proceeds to the business of the day, I beg to remind the Premier of the promise he made yesterday that he would announce whether the gentlemen who are reported as having resigned have really resigned or are still members of the Government?

Hon. Sir MACKENZIE BOWELL—In compliance with the promise made yesterday, I am in a position to answer the question which the hon. gentleman has put. Upon

receipt of the answer to the remedial order sent to the Manitoba Legislature, which was received a week ago last Monday, the government, after due consideration, came to the conclusion, as I announced to the House a few days since, not to proceed with remedial legislation during the present session, but in view of what we considered an intimation in that answer from the government of Manitoba that they were prepared to still further consider any representation which might be made by the government of Canada, we thought it best, in the interests of those who had the success of this remedial legislation most at heart, to postpone its consideration until we could communicate with the Manitoba government in order to ascertain how far they were prepared to accede to the terms of the remedial order and the judgment delivered by the Lord Chancellor of the Privy Council of England upon the subject. I refer now to the last decision delivered on the 25th January, 1895. From that decision three of our colleagues, I regret to say, dissented—the hon. Minister of Agriculture, who has the honour of a seat in this House, the hon. Postmaster General, and the hon. Minister of Public Works. They considered that in the interests of the Dominion, and in the interests of those whom they represented and in the interests of the minority of the province of Manitoba, it was the bounden duty of the government of Canada to proceed at once, during the present session, with remedial legislation. I regret to say that we could not come to a unanimous decision upon that point. My hon. friend, who is in this House, I regret to add, still holds the opinion that he first entertained and declines to re-enter the Cabinet, unless we are prepared to concede the points which he had so forcibly and eloquently urged upon his colleagues. The majority of Council, however, deemed it, as I have already stated, more in the interest of peace and the welfare of the Dominion, and more to the benefit of those deeply interested in a final settlement of this very important question, that we should not proceed as they desired. My hon. friend is in the House and will be better able to state his reasons than I possibly can. I may, however, with the permission of the Senate, after he has spoken, if it is thought necessary, make further explanations. These three gentlemen sent in their resignations. I am glad to say, that after mature deliberation and in a firm belief in the honesty of their colleagues, two of them have consented to remain in the Government on the assurance that should Manitaba refuse to grant legislation, restoring to the minority of Manitoba the rights of which they were deprived by the Act of 1890, the present government would risk its position, each individual his own political reputation, and introduce remedial legislation, trusting to the good sense and fairness of the House of Commons and of the Senate to carry it into operation. I may say, and I say it in all sincerity, that I look forward with much fear and with great anxiety to the future peace of this country, if we, without having exhausted every possible means to obtain from the legislature and government of Manitoba redress for the grievance of the minority in that province—I say I look forward with much apprehension to the effect of a policy which would force on an almost independent province, so far as local matters are concerned, a law which would have to be carried out in all its details, should they refuse to do it, by the Dominion Government or by the Dominion Parliament. I ask every well wisher of his country to reflect well upon that point. There are certain local rights which every province has. The difficulties which present themselves, to my mind, in attempting to force upon an unwilling people any kind of legislation will render whatever relief we may grant useless to those whom it is the intention of parliament to aid if they possibly can. My two colleagues—that is the hon. the Minister of Public Works, and the hon. the Postmaster General—have, after much reflection, and having considered the representations which have been made to them from the stand-point which I have given to the House, and with a distinct, and positive understanding that this government will proceed with legislation should it be denied by the legislature of Manitoba, consented to retain their portfolios and remain in the Government until the time arrives when it will be an imperative duty on the government to act in this matter. I sincerely regret, for more reasons than one, that my hon. colleague who sat beside me, has not been able to take that view. I believe he is actuated by the highest patriotic motives in the course that he is taking. I believe that he has but one single object in

view and that is, to secure to his fellow countrymen and co-religionists rights of which he knows they have been despoiled and which he desires to restore to them. The only difference of opinion between that hon. gentleman and myself and my colleagues, is as to the best mode of carrying that out. I do not know that at present I need say more upon this question. I have expressed the regret which I feel deeply at severing the personal and political relations which I have had with my colleague who has occupied a seat on my right since we have been in the Senate of Canada, and I hope the time is not far distant when, although he may not agree with us at the present moment, he will at least give us credit for having pursued that course which we believed to be best in the interest of the Dominion and those who have been deprived of their rights in Manitoba.

Hon Mr. ANGERS—Hon. gentlemen, I have to inform this House that I have obtained, through the Prime Minister, permission from His Excellency to state to you the reasons and circumstances of my withdrawal from the Cabinet. On the 8th July inst., I wrote to the Prime Minister the following letter :

I have the honour to inform you in writing, as I have already done verbally, that I cannot accept the responsibility of the declaration you are about to make in the Senate on the Manitoba school question. In consequence, please lay before His Excellency my resignation and obtain for me permission to state in the Senate the causes and reasons of my withdrawal from the Cabinet.

I remain,
Yours truly,
A. R. ANGERS.

Permission to give those explanations I received yesterday, and I agreed to postpone them until to-day. It is unnecessary for me to go through the history of this important question of the separate schools in Manitoba, especially in this House, where every member is fully conversant with all that has been published concerning it ; however, I have to retrace my steps to some time back, but not very distant from the present day. I wish to refer to the judgment of the Judicial Committee of the Privy Council rendered in January last. It is necessary in justice to myself, that I should lay before the House the main points which have been decided by Her Majesty in her Judicial Privy Council. the Lords say :—

Contrast the position of the Roman Catholics prior and subsequent to the Acts from which they appeal. Before these passed into law there existed denominational schools of which the control and management were in the hands of Roman Catholics who could select the books to be used and determine the character of the religious teachings. These schools received their proportionate share of the money contributed for school purposes out of the general taxation of the province, and the money raised for those purposes by local assessment was, so far as it fell upon Catholics, applied only towards the support of Catholic schools. What is the position of the Roman Catholic minority under the Acts of 1890 ? Schools of their own denomination, conducted according to their views, will receive no aid from the state. They must depend entirely for their support upon the contributions of the Roman Catholic community, while the taxes out of which state aid is granted to the schools provided for by the statute fall alike on Catholics and Protestants. Moreover, while Catholic inhabitants remain liable to local assessment for school purposes, the proceeds of that assessment are no longer destined to any extent for the support of Catholic schools, but afford the means of maintaining schools which they regard as no more suitable for the education of Catholic children than if they were distinctly Protestant in their character.

In view of this comparison, it does not seem possible to say that the rights and privileges of the Roman Catholic minority in relation to education which existed prior to 1890 have not been affected.

Their Lordships also stated :

As a matter of fact the objection of Roman Catholics to schools such as alone receive state aid under the Acts of 1890 is conscientious and deeply rooted. If this had not been so, if there had been a system of public education acceptable to Catholics and Protestants alike, the elaborate enactments which have been the subject of so much controversy and consideration would have been unnecessary. It is notorious that there were acute differences of opinion between Catholics and Protestants on the education question prior to 1870. This is recognized and emphasized in almost every line of those enactments. There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of "The Manitoba Act" of 1870, which was in truth a parliamentary compact, must be read.

And in conclusion their Lordships added :—

For the reasons which have been given, their Lordships are of opinion that the 2nd subsection of 22 of "The Manitoba Act" is the governing enactment and that appeal to the Governor General in Council was admissible by virtue of that enactment, on the grounds set forth in the memorials and petitions, inasmuch as the Acts of 1890 affected rights or privileges of the Roman Catholic minority in relation to education within the meaning of that subsection. The further question is submitted whether the Governor General in Council has power to make the declarations or remedial orders asked for in the memorials or petitions or has any other jurisdiction in the premises. Their Lordships have decided that the Governor General in Council has jurisdiction and that the appeal is

well founded, but the particular course to be pursued must be determined by the authorities, to whom it has been committed by the statute. It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the 3rd subsection of section 22 of "The Manitoba Act."

It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted or that the precise provisions of these statutes should again be made law. The system of education embodied in the Acts of 1890 no doubt commends itself to and adequately supplies the wants of the great majority of the inhabitants of the province. All legitimate ground of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded and were modified so far as might be necessary to give effect to these provisions.

The Lords of the Committee thereupon reported to Her Majesty that the said question hereinbefore set forth ought to be answered as follows :—

1. In answer to the first question : That the appeal referred to in the said memorials and petitions and asserted thereby is such an appeal as is admissible under subsection 2 of section 22 of "The Manitoba Act," 33 Victoria (1870) Chapter 3, Canada.

2. In answer to the second question : That grounds are set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsection of "The Manitoba Act" above referred to.

3. "In answer to the third question : That the decision of the Judicial Committee of the Privy Council in the cases of Barrett *vs.* The city of Winnipeg and Logan *vs.* The city of Winnipeg, does not dispose or conclude the application for redress based on the contention that the rights of the Roman Catholic minority which accrued to them after the union under the statutes of the province have been interfered with by the two statutes of 1890, complained of in the said petition and memorials.

4. In answer the 4th question : That subsection 3 of section 93 of "The British North America Act 1867," did not apply to Manitoba.

5. In answer to the 5th question : That the Governor General in Council has jurisdiction and the appeal is well founded, but that the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute ; that the general character of the steps to be taken is sufficiently defined by subsection 3 of section 22 of "The Manitoba Act" of 1870.

6. "In answer to the 6th question : That the Acts of Manitoba relating to education passed prior to the session of 1890, did confer on the minority a right or privilege in relation to education within the meaning of subsection 2 of section 22 of "The Manitoba Act" which alone applies ; that the two Acts of 1890 complained of did affect a right or privilege of the minority in such a manner that an appeal will lie thereunder to the Governor General in Council.

And Her Majesty at the Court at Osborne House in the Isle of Wight, on the 2nd day of February, 1895, after taking the said report into consideration was pleased by and with the advice of Her Majesty's Privy Council to approve of the said report of the Lords of the Committee and to order that "the recommendation and directions therein contained be punctually observed, obeyed and carried into effect in each and every particular, whereof the Governor General of the Dominion of Canada for the time being and all other persons whom it may concern, are required to take notice and govern themselves accordingly.

The decision granted the minority the following rights and privileges :

(*a.*) The right to build, maintain, equip, manage, conduct and support Roman Catholic shcools in the manner provided for by the said statutes, which were repealed by the two Acts of 1890 aforesaid.

(*b.*) The right to share proportionately in any grant made out of the public funds for the purposes of education.

(*c.*) The right of exemption of such Roman Catholics as contribute to Roman Catholic schools from all payment or contribution to the support of any other schools.

Upon this judgment the Privy Council of Canada passed an order and adopted, two days after, what is known as the remedial order, which was sent to the legislature of the province of Manitoba, through his Honour the Lieutenant Governor of that province. The legislature made an answer to that remedial order refusing to obey the injunction contained in the judgment of the Judicial Committee of the Privy Council and the remedial order of the Privy Council of Canada. Upon this refusal the doors of Parliament, under the law, were open to do justice to the minority. The answer of Manitoba was received on the 1st of July. From that day devolved upon the government the power, and consequently, the obligation, of relieving the Roman Catholic minority of that province of the enormous grievances they are suffering. For the last five years they have been called upon to contribute to the support of public schools to which they cannot send their children. What I thought to be the duty of the government I could not see accomplished. The government, on Monday last, made the following declaration :

I desire to state that the government has had under its consideration the reply of the Manitoba Legislature to the remedial order of the 21st March, 1895, and after careful deliberation has arrived at the following conclusion :—Though there may be differences of opinion as to the exact meaning of the reply in question, the government believes that it may be interpreted as holding out some hope of an amicable settlement of the Manitoba school question on the basis of possible action by the Manitoba government and legislature ; and the Dominion government is most unwilling to take any action which can be inter-

preted as forestalling or precluding such a desirable consummation. The government has also considered the difficulties to be met with in preparing and perfecting legislation on so important and intricate a question during the last hours of the session. The government has, therefore, decided not to ask parliament to deal with remedial legislation during the present session. A communication will be sent immediately to the Manitoba government on the subject with a view to ascertaining whether the government is disposed to make a settlement of the question which will be reasonably satisfactory to the minority of that province, without making it necessary to call into requisition the powers of the Dominion Parliament. A session of the present Parliament will be called together to meet not later than the first Tuesday of January next. If by that time the Manitoba government fails to make a satisfactory arrangement to remedy the grievances of the minority, the Dominion government will be prepared, at the next session of parliament, to be called as above stated, to introduce and press to a conclusion such legislation as will afford an adequate measure of relief to the said minority, based upon the lines of the judgment of the Privy Council and the remedial order of the 21st March, 1895.

To this declaration I was unable to assent, and I sent the letter of resignation which I have read in opening my remarks. I wish to state to the House what were my grounds for being unable to give my assent as a member of the Cabinet, to this declaration. I must read to the House the answer that was made by the legislature of Manitoba to the remedial order, and ascertain whether there is to be found in that answer some hope of an amicable settlement of the Manitoba school question, on the basis of possible action by the Manitoba government and legislature. In their answer the legislature state this after reciting the remedial order and the Order in Council :

> The privileges which by the said order we are commanded to restore to our Roman Catholic fellow-citizens are substantially the same privileges which they enjoyed previously to the year 1890. Compliance with the terms of the order would restore Catholic separate schools with no more satisfactory guarantee for the efficiency than existed prior to the said date.
>
> We are therefore compelled to respectfully state to Your Excellency in Council that we cannot accept the responsibility of carrying into effect the terms of the remedial order.
>
> Objections upon principle may be taken to any modification of our educational statutes which would result in the establishment of more sets of separate schools. Apart, however, from the objections upon principle, there are serious objections from a practical educational stand-point.

Is there any man in this House or in the country that can state there is in that paragraph of the answer some hope offered of a satisfactory settlement of the question? Their answer is, on principle we object to the establishment of separate schools.

> We labour under great difficulties in maintaining an efficient system of primary education. The school taxes bear heavily upon our people. The large amount of land which is free from school taxes and the great extent of country over which our small population is scattered present obstacles to efficency and progress. The reforms effected in 1890 have given a strong impetus to educational work, but the difficulties which are inherent in our circumstances have constantly to be met. It will be obvious, that the establishment of a set of Roman Catholic schools followed by a set of Anglican schools and possibly Mennonite, Icelandic and other schools, would so impair our present system that any approach to even our present general standard of efficency, would be quite impossible. We contemplate the inauguration of such a state of affairs with very grave apprehension. We have no hesitation in saying that there cannot be suggested any measure, which to our minds, would more seriously imperil the development of our province.

Is there here anything justifying us to come to the conclusion mentioned in the first paragraph of the declaration of the government, that therein is foreshadowed the hope of an amicable settlement, and that consequently Parliaments hould be most unwilling to interfere. It has been stated that monetary difficulties were the cause of abolition of separate schools. It was necessary, they claim, to tax Roman Catholics in order to support public schools, to which schools the minority could not send their children. Is it quite true that this was the motive the legislature of Manitoba had at the time? The evidence is contradictory on that point. Mr. McCarthy, speaking in the name of the province, when he came before the Privy Council stated the true object of having abolished the separate schools in the province of Manitoba. It was to deprive the French Canadians of their language, to make them English. Then the answer reads :

> We believe that when the remedial order was made, there was not then available to Your Excellency in Council full and accurate information as to the working of our former system of schools. We also believe that there was lacking the means of forming a correct judgment as to the effect upon the province of changes in the direction indicated in the order.

Was that an olive branch they were offering when they said to the Governor General in Council, you have been dealing with a matter upon which you had no information and you have made a blunder?

Surely that could not be construed as indicating a desire of an amicable settlement.

Being impressed with this view we respectfully submit that it is not yet too late to make a full and deliberate investigation of the whole subject. Should such a course be adopted, we shall carefully assist in affording the most complete information available. An investigation of such a kind would furnish a substantial basis of fact upon which conclusions could be formed with a reasonable degree of certainty.

Again was that offering the olive branch? Was that a step towards restoring to the minority of the province their separate schools? Certainly not.

It is urged most strongly that upon so important a matter, involving as it does, the religious feelings and convictions of different classes of the people of Canada and the educational interests of a province which is expected to become one of the most important in the Dominion, no hasty action should be taken, but that on the contrary, the greatest care and deliberation should be exercised, and a full and thorough investigation made.

That was the advice given to the Privy Council of Canada which does not amount again to a hope of a reasonable or favourable settlement of the grievances of the minority:—

While we do not think it proper to enter upon a legal argument in reference to the memorial, we deem it our duty to briefly call attention to the legal and constitutional difficulties which surround the case. It is held by some authorities that any action taken by the Parliament of Canada upon the subject will be irrevocable.

While this opinion may or may not be held to be sound, it is in our judgment only necessary to point out that there are substantial grounds for entertaining such an opinion in order to emphasize the necessity for acquiring a most ample knowledge of the facts before any suggestion of parliamentary action is made.

It will be admitted that the two essentials of any effective and substantial restoration of Roman Catholic privileges are—

(1) The right to levy school taxes:

(2) The right to participate in the legislative school grant.

Without these privileges the separate schools cannot be properly carried on, and with them, therefore, any professed restoration of privileges would be illusory.

It may be held that the power to collect taxes for school purposes conferred upon school boards by our former educational statutes was conferred by virtue of the provisions of subsection 2 of section 92 of the British North America Act and not by virtue of the provisions of section 22 of the Manitoba Act. If this view be well founded then that portion of the Act of 1890 which abolished the old right to collect taxes is not subject to appeal to Your Excellency in Council, and the remedial order and any subsequent Legislative Act of the parliament of Canada (in so far as they may purport to restore the said right) will be *ultra vires*.

Now, again it is impossible to find an offer of settlement in that paragraph of the answer. On the contrary it controverts the decision of Her Majesty in Her Privy Council.

As to the legislative grant, we hold that it is entirely within the control of the legislature of the province, and that no part of the public funds of the province could be made available for the support of separate schools without the voluntary action of the legislature. It would appear, therefore, that any action of the parliament of Canada, looking to the restoration of Roman Catholic privileges must, to be of real and substantial benefit, be supplemented by the voluntary action of the provincial legislature.

There again can we say that an offer of a settlement was made? On the contrary it is a positive refusal to obey the remedial order.

If this be the case, nothing could be more unfortunate from the stand-point of the Roman Catholic people themselves, than any hasty or peremptory action on the part of the parliament of Canada, because such action would probably produce strained relations and tend to prevent the possibility of restoring harmony.

I draw your attention to that paragraph of the answer. Instead of finding there the hope of a settlement, I find a threat made to the Parliament of Canada that if we restore to that minority the privileges which the mandate of the Queen said they should get, they shall suffer for it.

We deem it proper also to call attention to the fact that it is only a few months since the latest decision upon the subject was given by the Judicial Committee of the Privy Council. Previous to that time a majority of the members of the Legislative Assembly of Manitoba had either expressly or impliedly given pledges to their constituents which they feel, in honour, bound loyally to fulfill.

It is impossible to find here a hope of an amicable settlement. Therefore upon that very important point I had to refuse my consent. Dealing now with the second part of the declaration made by the government, I have to state that I was also unable to subscribe to it:

The government has also considered the difficulties to be met with in preparing and perfecting legislation on so important and intricate a question during the last hours of the session.

Why was Monday last, "the last hours of the session"? You all know that the present session was called this year about thirty days later than last session. We have been here at work about forty days less than last year. It is said the legislation is difficult and intricate. Admitting that it is, when Mr. Ewart

argued his case before the Privy Council here, he produced a draft Act that meets the circumstances of the case, and that draft Act has been before the public for the last three months. Taking that Act up and giving it a few days' attention and discussion, with the assistance of the hon. Premier himself who has had a great deal to do with educational matters, of the hon. member from Ottawa who introduced the separate school Act in Ontario, of my hon. friend on the other side of the House, the member for St. Boniface, who was twelve or fifteen years superintendent of education in that province, it would have been quite possible to pass a good bill. I had to decline subscribing to that paragraph of the declaration. Coming to the third paragraph it is stated :

A communication will be sent immediately to the Manitoba government on the subject, with a view to ascertaining whether the government is disposed to make a settlement of the question which will be reasonably satisfactory to the minority of that province without making it necessary tocall into requisition the powers of the Dominion Parliament.

It is proposed here that the government should enter into negotiations with the government of Manitoba. The law requires that communication upon this subject be made not to the government but to the legislature. The legislature of that province has just been prorogued, it may not meet, and is not obliged to meet before the first or second week of July next. Therefore the government will be unable to approach the legislature of the province before the extreme limit of this Parliament's existence has been attained. They will have to approach the government. True it is a responsible government, but for the purpose, it is an unauthorized body. The legislature of the province has just passed resolutions which are imperative as regards the Manitoba government. Only a few weeks ago they told us that, on principle, they will not grant separate schools. And, moreover, they say :—

Previously to that time the majority of the members of the legislative assembly of Manitoba, have either expressly or impliedly given pledges to their constituents which they feel in honour bound loyally to fulfil.

That pledge is that no separate schools will be given to the minority. What is the use, after the positive refusal of the legislature in every paragraph of its answer, to apply to the government of that province ? It cannot do anything effectually. Let me call your attention to this fact, that it was after a promise that those very schools would be continued for ever by Mr. Greenway that those schools were abolished by him. Is it upon a promise of Mr. Greenway, unauthorized, and in the face of a House which is, as he tells you, in honour bound not to grant these schools, that you can expect to obtain them from him ? This is the reason why I was again under the painful duty of not being able to subscribe to that portion of the declaration. I read in the Ottawa *Citizen :*

If the French Canadian ministers must have such haste, they prove themselves so regardless of the sentiments of many English speaking Conservatives as to render regard for Quebec's feelings no longer a matter of much importance to the rest of confederation.

By these words I am charged with having shown an undue haste and with having refused to grant any delay. I must state to the House that when the government came to the conclusion to make their declaration, I requested that it should not be made last Monday, but that the government wait until I had permission to give at the same time explanations to this House. I could not get permission then for reasons that were not dependent upon the government, but it was dependent upon them not to make that declaration on Monday, but they did. This necessitates my stating that in opposition to the proposal of the government, I made in Council by way of compromise a proposal granting a further delay, but objecting to any official negotiations being entered into with the government of Manitoba, on the ground that an evasive, or illusory answer made by them might put the Dominion government in the impossibility of moving Parliament to act. The proposal for which I voted is to this effect :

I desire to state that the government has had under its consideration the reply of the Manitoba government and legislature to the remedial Order of 21st March, 1895, and after very careful deliberation has come to the following conclusion : At this late stage of the session, and seeing that so little time has elapsed since the reception of the answer of the legislature of Manitoba to the remedial order of the 21st March, and in view of the complicated nature of the legislation required to restore to the minority of Manitoba their rights and privileges to separate schools, the government has determined not to introduce such legislation at this present session, but will call a session of this present Parliament during next fall for the purpose of introducing and pressing to a conclusion, the necessary

legislation to grant relief to the said minority on the lines of the judgment of the Judicial Committee of the Privy Council and of the remedial order of the 21st March last; if the legislature of Manitoba has not before that time taken such steps as to satisfy the minority in that respect which hope every loyal subject of Her Majesty should entertain before believing that the province of Manitoba would ignore the decision of Her Majesty's Privy Council and the remedial order of the Governor General of Canada.

And I wish further to state the government will transmit to the Lieutenant Governor of Manitoba a copy of this declaration of Parliament.

Under this proposal the necessary delay to perfect the bill prepared by Mr. Ewart would have been obtained. The minority who have now an acquired right, would not run the risk of seeing the door of Parliament closed upon them by an evasive answer, or by a promise that could not be carried out, or again, by the statement, for instance, that the legislature of Manitaba having just prorogued, it is impossible for them to assemble before the month of July next. What will be the position of the Dominion government if they come before Parliament in January with such a declaration? The minority will have been put out of the fort, it will be standing out again in the open field, and the government will be unable to determine the House to take action. That was my objection to that part of the declaration of the government, and I offered the one which I have just read to you; but it was voted down. The declaration made by the government admits of a doubt as to the actual jurisdiction of Parliament. The one that I offered granted a delay but raised no suspicion as to jurisdiction. I have read that declaration to show that I did not want to be hasty, However, my conviction is that between this day and the day that Parliament meets again, such an excitement will go over the country in opposition to the granting of remedial legislation that if the government hesitates now, it will be then afraid.

Hon. Sir FRANK SMITH—Never.

Hon. Mr. BELLEROSE—I say to the contrary; I saw them afraid very often.

Hon. Mr. ANGERS—The minority is told that it should be satisfied with the declaration made by the government, because there is in it a clause binding the government to bring before Parliament remedial legislation. Hon. gentlemen, that minority had just the same promise from the government before. If I refer to the speech of the hon. leader of the House on the address, I find the following words:

I hope sincerely, with the mover and the seconder of the address, that the people of Manitoba may see their way clear to settle this question among themselves, and to relieve the Parliament of Canada from the serious obligation which will devolve upon them otherwise. It is a very serious matter for the government of the Dominion to undertake to deal with a question which affects solely any one section of the country. If the people of Manitoba are patriots they will keep this question out of the arena of Dominion politics, but if they desire to continue flinging firebrands among the electorate of this country (who, I am sure, are desirous of living in peace and harmony)—if they reject all overtures, and act upon the suggestions of those who are leading the opposition throughout the country,—I can only say that when the time comes, if it should come, for action by this government, the people of Canada will find that the present administration are quite prepared to assume the responsibility which may fall upon them, no matter what the results may be.

That was the promise of the government at the opening of the session. Was it necessary to get another declaration of the same kind? In my opinion the first one was good, but the second one is not so good. The second one is embarrassed with procedure which may prevent the future action of the government. The noble voice that we heard at the beginning of the session promising relief when the time would come, and it has come, has been suppressed.

Hon. Sir MACKENZIE BOWELL—What has been suppressed?

Hon. Mr. ANGERS—Your promise has been suppressed by an influence which acted like a damper, and new promises had to be made. After recalling to the House the voice of its leader, as he spoke at the beginning of the session, I think it is my duty before closing to recall the echo of another voice upon this very subject. I quote from the second volume of Mr. Pope's book on Sir John Macdonald. At page 248, I read the following, which is an extract from a letter:

You ask me for advice as to the course you should take upon the vexed question of separate schools in your province. There is, it seems to me but one course open to you. By the Manitoba Act, the provisions of the British North America Act (section 93) respecting laws passed for the protection of minorities in educational matters, are, made applicable to Manitoba, and cannot be changed; for by the Imperial Act confirming the establish-

ment of the new provinces, 34 and 35 Victoria chapter 28, section 6, it is provided that it shall not be competent for the Parliament of Canada to alter the provisions of the Manitoba Act in so far as it relates to the province of Manitoba. Obviously therefore the separate school system in Manitoba is beyond the reach of the legislature or of the Dominion Parliament.

Hon. Mr. KAULBACH—To whom is that written?

Hon. Mr. ANGERS—I cannot give the name. The name was intentionally suppressed by the author. Mr. Pope commenting on this letter says:

On the kindred question of the dual language his opinions were equally decided and outspoken. He fully sympathized with the French Canadians in their natural attachment to their mother tongue and in the summer immediately preceding his death he carefully noted and put by for use in the session of 1891 the following extract from a speech by Mr. Gladstone which he observed expressed (mutatis mutandis) his own views on the proposal to abolish the official use of the French language in Manitoba:

"There appears to be a desire—I will not say the evidence is demonstrative, but, still, in the manner in which the question is brought forward, there seems to be a desire—to a great extent to substitute the British for the Italian language in Malta. Well, I am opposed to any such substitution. I think, and my mind goes back to the case of Wales, that there is nothing in the world that the Welsh would so vividly resent as any officious attempt to change the language of their country. And, gentlemen, they are perfectly right. The union between a nation and its language, the union between even a small people like Wales and its language is a due and affectionate union; it is bound up with its traditions; and when we went into Malta we engaged to respect their traditions, and no attempt, no policy, I do not care where it began—I believe it began in some former time—but we have evidence before us now which induces me to say that, in my opinion, the Maltese have been sacredly promised the preservation of their language and institutions, and are entitled to claim among the very first elements of that promise, that we shall pay due respect to the customs established among them and inherited from their forefathers, which are bound up with all their ideas, and which above all they wish to retain."

In holding these views Sir John Macdonald could not be charged with any prejudice in favour of the Roman Catholic religion or the French Canadian race. Rather do I think that to the entire absence of prejudice in his large and liberal mind is to be ascribed the cause which determined his political attitude on these questions.

That same spirit, I think, the Premier of Canada is possessed of, but unfortunately I fear that the opposition made to the execution of the mandate of the Queen and of the remedial order is stronger and greater than his intention. The hon. leader has in his hand the present; no man perhaps in Canada could more effectively have given remedial legislation to the minority than himself this session, but having the present in his hand he has not the future. I am justified in speaking so from an abstract which I will read to the House from the Hamilton *Spectator*:

The result of the grand tug of war in the Dominion cabinet is that there is to be no remedial legislation introduced this session. It is semi-officially announced that another session of the present Parliament will be held and that a bill to provide remedial legislation will be presented only in that session. We do not think that to be at all likely. The same influence which prevented the introduction of a bill now will be present and intensified then, and the French will not be able to carry their point.

Now that is my fear. In my opinion remedial legislation, by the inaction of the government, has been so imperilled that the minority may never have it, and consequently I cannot accept the responsibility of such a risk. I must thank the House for the attention they have given me in this matter and I hope I have not uttered one word that could be construed as expressing anything harsh to the leader of the government.

Hon. Sir FRANK SMITH—On this occasion I stand in a very peculiar position, for the reason that it has been insinuated outside of this House, within the last few days, that the Irish Catholics were untrue to their principles, untrue to the minority in Manitoba, and opposed to the enactment of remedial legislation for the relief of that minority. I think I shall be enabled to convince the House that I, for one, am neither untrue to the minority in Manitoba nor to the Dominion at large. I have been identified with my friends in religious matters and have been connected with the Roman Catholic church since my childhood—in fact I was born a Roman Catholic. I am sorry that I am an unworthy representative of that church, but the man does not live who can truthfully say that I ever flinch when duty calls me to act. Neither have I done so on this occasion, for the question was to be argued in Council on the 17th March last, and on the 16th March, at 5 o'clock in the evening, I was in my bed ill. Against the protest of my doctor and of all my family, I rose from my bed and came down that night to Ottawa, and risked my life, as the doctor said, for the cause. I want those who are of a different origin from me not to insinuate that I am deserting a cause that I ought to uphold because I ask for a short delay. This question has been before the country five years, and I ask any reasonable man, clergyman or layman,

if a further delay of five months is an unreasonable request for the government to make for the purpose of giving time to settle this vexed question amicably, rather than impose the power of the Dominion Parliament upon the province of Manitoba. On this issue I am identified with the government. I have supported the policy of the Prime Minister. I have done so, not to benefit any one creed or race or locality in this country, but to promote peace and harmony in the Dominion at large. I believe now, and I believed, when I was giving my vote in council for delay, that time may lead to an amicable settlement. I have had the honour of serving under four Premiers of this country. I never asked to be reappointed when I handed in my resignation, but I have had the honour to be invited by every one of those different gentlemen —three of them have now gone—to become a member of the Cabinet. I do not go there to force my opinion on the Premier in behalf of any creed or any locality in this Dominion. I go there to give my cool and unbiased opinion for the benefit of the people at large of this country where I have lived since I was a boy of ten years of age. I am told that on this occasion I was the first to vote in favour of delay. I am not going to say whether I did so or not. Any one who says so could only have learned the fact at the council board, and no member of the Cabinet is at liberty to mention how members of the government deal with questions that come before them. It is unfair to divulge the proceedings in the council chamber. It is unbecoming to men of honour, who take a solemn oath and declaration going in there not to divulge anything that takes place in the council, or to blame one member more than another for the decisions of the government. Every man when he walks out of the Cabinet should take the responsibility of the decision of the Cabinet as a body, let it be right or wrong. When a member of the government is not pleased with the decision of the Cabinet he should step out. I do not want to evade my responsibility in any shape or from. I pleaded to the best of my ability with the hon. gentleman who has just spoken to remain in the Cabinet and help us who were working for the cause that he has at heart, but we could not agree on the time of putting this legislation before Parliament. There are seven provinces in this Dominion, six of which are not affected in any shape or form by the decision of the government on this question. A large majority in those six provinces want delay. Why should we not take time to consider the matter carefully before we put a large number of people representing those provinces in a false position by forcing a remedial bill on Manitoba until every effort to secure an amicable settlement is exhausted? It may never be necessary to bring such a bill before the House. If the difficulty can be settled amicably, I should be delighted to see it; but if not, I pledge myself before this House and before the country that I will fight for remedial legislation and justice to the minority of the province of Manitoba. I am sorry that my hon. friend, because he cannot get every man to comply with his views in the council, has thrown up the sponge and gone out of the cabinet. He says he is not sure whether the government will ever be able to bring in this legislation or not. I say that that document which was read by the Premier here last Monday was not issued for false purposes. The large majority of the people of this country have confidence in the government and will credit us with being honest in our intentions. If, when the time for action comes, the government shrink from doing what is right and proper, I shall be the first man to declare war on them, and say they are unworthy of administering the affairs of the country. I would under such circumstances vote against the government, but I do not want to be one of those who put the pistol to the breast of the Premier and say "you must bring in remedial legislation this present session; if you do not, we will leave the cabinet and upset the government, and let you go to Jericho."

Hon. Mr. ANGERS—That was not said.

Hon. Sir FRANK SMITH—There is something at the bottom of all this. Those gentlemen think that perhaps they can form an alliance that will be more convenient to them than that which they have with us. They should not feel that way. We have refused them nothing. All we ask is a short postponement, and they are not as true representatives of Quebec as we are representatives of Ontario. They should fight for their bill, and when the last effort fails it will be time enough for them to leave the ship. As an Irish Catholic from the province of Ontario I am bound to stand by the minority of Manitoba and ask for what is reasonable, but nothing more. I

am bound to do what I think is for the benefit of the Dominion at large. I am bound to wait and not put our colleagues in a false position. Our friends in the other House and in the country should not be driven into a false position. Let all liberal-minded men stand together and the extreme men on all sides must give way. I feel that nine-tenths of the Protestants in this country are to-day in favour of giving the minority in Manitoba what they are entitled to when the time comes. If I had not that feeling I should certainly exert myself to end the matter as soon as possible, but looking back over the past in this country I have seen the Protestant majority has very seldom refused to give the Catholic minority what was reasonable and right, and I am quite sure that they will not refuse to do justice on this occasion. I think that the government have taken the proper course. The honourable gentleman who has last spoken does not share my belief; he has no faith in his colleagues. If he had, he would have stood by them and supported them, and they in return would have supported him in everything that was reasonable and right, but when three gentlemen out of thirteen insist upon having their own way, regardless of consequences, it reminds me of the obstinate juryman who could not understand why the other eleven jurymen could not agree with him. The honourable gentleman tried to persuade us; failing in that he resigned. I say in taking that course he is doing an injustice to the minority of Manitoba and to the people of Quebec who sympathize with them and doing an injustice to me, and others like me, who have to stand and fight their battles. We are asking nothing but what is fair and right from the people of Canada, and the people will support us in bringing in a bill if need be at the next meeting of Parliament, and when we next appeal to the people you will find the Protestant majority of this country will support the government and return them here, because they did not flinch from doing their duty. We have promised to put a remedial bill through if Manitoba fails to do justice to the Roman Catholic minority and then we will appeal to our people and they will give us the verdict and we will come back again. My time is wearing on and I may not be here another session, but those of you who are here will see it, and if God spares me, I will see this legislation granted next session, and that session is to be held before we go to the country. I say you will see our government come back with a sweeping majority, because the extremists on both sides will be set aside. I would not have said much on this occasion if it had not been stated outside that I had deserted the French Canadians. I have done nothing of the kind; but in dealing with public questions we should forget provincial distinctions and work for the good of the whole Dominion. Wherever there is a wrong we should endeavour to right it, and if we cannot agree upon the best means of doing so, let us not get into a huff: do not let us say because we cannot have our own way against the majority, that we will desert our task. It is a pity to see our friend stepping down from that high position that he held as Minister of Agriculture, leaving his other French friends and the Irish Catholics to fight the battle of the minority in Manitoba without him. There will be very little fighting to be done after all. We have decided to grant remedial legislation if necessary, and we will do it, but the hon. gentleman will not be able to claim any share in the victory, because he has shirked his duty. And now, before I sit down I will say this: since the announcement of the policy of the government was made last Monday, there has not been from any quarter of Canada that I have heard of, a single protest against it. The clergy in my part of the country, I am perfectly convinced, are satisfied. So will the clergy in Quebec and Manitoba be; they do not want us to act hastily. They expect us to look coolly and deliberately into this question and do what is right. I am sorry that my hon. friend has deserted the government. I cannot support him in the stand that he has taken simply because he is a French Canadian. I would not support an Irish Catholic because of his creed and origin. There ought to be an end of those differences of race and creed in this country, especially in the Senate, which is called the Upper House. There should be no such thing as a man differing from another because he is a Protestant or because he is of French or Irish origin.

Hon. Mr. McMILLAN—Where do you leave the Scotch?

Hon. Sir FRANK SMITH—If we were all as cool and worked for the benefit of ourselves as the Scotch do, we would be all right. On all occasions the Scotch are able

to take care of themselves, and they do so, and I approve of the course they take. I would not have said so much if it had not been asserted outside that I am untrue to the minority of Manitoba and untrue to the French Canadians of this country. Such is not the case. I have faith in the government and in the conservative party, and I believe that the majority of the people of Canada have faith in them. If they have lost confidence in us they will send us home and other gentlemen can take our places, but that time has not come. This is one of the most important questions that was ever brought before the Parliament of Canada involving, as it does, questions of religion and race. We should be very careful how we handle it and not force legislation through in a day. We have waited five years by the advice of our lamented friend, the late Sir John Thompson, when he was at the head of affairs. We never frowned when he asked us to wait: we always accepted his judgment, and why should not these gentlemen accept the decision of the council of the present Prime Minister? If they do, the minority in Manitoba will get their rights and the people of the other provinces will be satisfied. Of course, there are firebrands in all communities who will be satisfied with nothing. We must pay no attention to them, only fill their places and everything will go right. I have said perhaps too much.

Hon. Mr. McCALLUM—Go on.

Hon. Sir FRANK SMITH—It is unnecessary for me to go on. You know the course that I have taken on this question. I have done nothing that I am ashamed of, and I am ready to put myself on record on this question. I have confidence in the company that I am in. I have lived amongst them all my life and in the long run I have got a fair share of my rights. During the thirty years that I have been in public life I have not been working for myself, but for my people. I have never directly or indirectly sought any position or honour that I now hold. I am here an independent member—I am independent in the council of this country, because I am not in receipt of any salary or emolument, and I can take whatever course I think is proper. It does not matter to me whether I hold office or not; I am at the council board simply to give my humble advice and assistance in the public interest, and on every occasion I have represented my people to the best of my ability. In conclusion, let me say that the day is not far distant when the hon. gentleman (Mr. Angers) will be sorry for the course he has taken to-day, and his people will find fault with him. I would not be afraid to go on any platform in the province of Quebec and lay this whole case before them, and get the verdict of the people that the government have acted in an equitable and proper manner under all the circumstances.

Hon. Mr. O'DONOHOE—Before my hon. friend resumes his seat, I should like to call upon him for his views on this proposition: suppose before January that your colleagues from Ontario sooner than submit to remedial legislation, and tax the people of Ontario with a measure of remedial legislation, resign their office, in that case where is your remedial legislation? I do not think it is improbable that you will find that your colleagues in the government will abandon their position rather than submit to remedial legislation, and if they do submit to remedial legislation I question very much whether you would ever see them returned to Parliament again.

Hon. Sir FRANK SMITH—In answer to the question that the hon. gentleman from Toronto has asked me, I will say this, that all men are not of the same character and principles. They study what is best for themselves and for the country they represent. If one gentleman steps out and declares that he is no longer a Minister of the Crown, we will fill his place with another; if one more steps out, there are men at the helm who will be true to their country. The present Prime Minister has the courage and pluck—and his followers will stand by him—to fill up every place made vacant by a dissatisfied man. Those gentlemen took their positions with a feeling and a promise that they would support the Conservative Government, and very few of them will desert it now. I know that the hon. gentleman feels aggrieved at me as very few of my countrymen do. I never did him any harm in my life; on the contrary, to the best of my ability I have done him a kindness. I helped him into this House. I have confidence in the word and the honour and good intention of every man that sits in the council and who has voted on this matter.

Individually and collectively they have pledged themselves to do justice to the minority in Manitoba, and I am quite satisfied that they will fulfil their promise, and that is all that anybody can ask. No Conservative Government would ever face this House again without being prepared to carry out that remedial measure.

Hon. Mr. O'DONOHOE—That is no answer to my question.

Hon. Sir FRANK SMITH—Your question is so broad it would be very hard to answer it. We will fill up the vacancies and will make good our promise.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called I have one or two remarks to make in reply to the explanation given by my hon. friend the late Minister of Agriculture. Before I do so, I must be permitted to express my very great regret at the tone exhibited in the latter portion of his statement. His remarks were I consider personal to myself, and as such I resent them. Without going into particulars in reference to this matter, there has not been, I say for myself, a member of the government with whom I have been on more intimate terms, and with whom I have consulted as freely and given my opinion as frankly as I have to the hon. gentleman. That he should have closed his remarks with the statements which he made in reference to myself and the position I hold in the cabinet of this country was a matter of very great surprise to me, and I can only repeat that I deeply regret it. Until to-day the only material difference that I was aware of that existed between that hon. gentleman and his colleagues was as to the particular mode which should be adopted and the course which should be pursued in connection with the carrying out of the judgment of the privy council and of the remedial order based thereon. My hon. friend was always frank in stating that he had grave doubts as to the propriety of a postponement of the question to another session. He gave his reasons for entertaining those doubts. He has given them to you to-day; but to me and to others of my colleagues those were not considered of sufficient weight to justify him in pursuing the course that he has followed. When he states to the Senate that my course was adopted on account of some outside or other influence, I am at a loss to know what he means by that. I would much rather that he had been frank and stated what he really meant without leaving the impression that my position upon this question was the result of outside pressure.

Hon. Mr. ANGERS—Allow me to interrupt the hon. gentleman there, because I think he misunderstood me.

Hon. Sir MACKENZIE BOWELL—I hope I did.

Hon. Mr. ANGERS—I said that there was no man in the country in a better position to carry the remedial legislation at the present time than himself, and I never in any way wished the House to understand that owing to his position in the cabinet he was unable to do it. On the contrary, I contend he is.

Hon. Sir MACKENZIE BOWELL—My hon. friend, speaking of my declaration in the speech that I made in the debate upon the address, said it was frank and explicit, but that I had changed my views because I had been "suppressed" by some other power. It may be that he meant something other than the interpretation which I placed upon it. My hon. friend should be more frank. He knows that in all matters affecting the state, and all matters which are of grave importance, there is always, among 13 or 14 gentlemen, a divergence of opinion, and he knows from his long connection with parliamentary usages and practice, and from the great experience that he has had, not only as a minister of the Crown but as a governor of one of the great provinces of this country, that when difficulties and divergencies of opinion arise in a cabinet, there must be some concession on either one side or the other. He should have been more explicit and stated that when differences of opinion arose on this question, the policy adopted by the government was at my suggestion in order to bring together the whole of the elements of the cabinet so that we could come down as one man and state our policy, that when we thought the time had arrived to grant to the minority of the province of Manitoba those rights of which I have always stated, in this House and elsewhere, to my own individual friends and

publicly, they had been deprived by the Manitoba legislature. I said also here frankly—and there is no misunderstanding of my position—that *per se* I am not in favour of separate schools. I stated distinctly that I believe that Manitoba came into this Dominion with the distinct and positive promise, implied, and, as it was believed, incorporated in the constitution of the province, that they should have the right of separate school retained to them for ever in the same manner that they are enjoyed by the provinces of Ontario and Quebec; and as such, no matter what my individual opinion may be, as a public man I can consider myself bound—and I will take my party with me as far as I can—to carry out to the fullest possible extent the promises that were made to the minority at confederation, and of which, I repeat, I believe the Manitoba legislature has despoiled them. It is true, as my honourable friend says, that it was through the promises made to the church authorities in the province of Manitoba by the liberal party that they succeeded in turning the conservative party out of power, and that the moment they obtained office through the acceptance of their promises by those whom we are now trying to protect in their rights, they violated their pledge and the minority in Manitoba have been suffering from it ever since. It is not the fault of the conservative party, at least, that they find themselves in the position they occupy to-day. I sympathise, as far as any man can, with the minority on account of the delays which have taken place, but have those delays been the fault of the government? It may be said yes, because you might have and could have disallowed the Act when it was passed. The Privy Council of England have decided, contrary to the opinions of the Supreme Court in Canada, that the legislature of that province had the right to pass that Act, and had we disallowed it, we should have been pursuing a course which my hon friends from Lower Canada have objected to, over and over again. If there are any people in this Dominion who are sensitive as to the interference with provincial autonomy, or provincial rights, it is the population of Quebec. Those representatives of Quebec who helped to frame the constitution, took particular pains to protect the minority in each of the provinces, and who are extremely jealous whenever local rights are interfered with. My reason, as I have stated already, for asking for this delay, was to place ourselves in a position to prevent the charge being made in the future that we had acted precipitately, and that we had thrust upon the province a system of schools without giving them the opportunity of at least saying whether they would come down one step from the position they had taken in order to relieve the Dominion Parliament from inflicting upon them Dominion legislation which might prove of very great danger to provincial autonomy, and at the same time to the peace of this country. Now was I justified in that? If my hon. friend is to take newspaper statements as being correct or expressing the opinions of the ministers of the Crown, I might quote from the papers of the province of Quebec, unfavourable opinions of himself. I do not know another man who resisted them more vigorously or more determinedly than himself. He has taken his traducers into court, and I am very glad that the courts in the province of Quebec have shown that they will crush, as far as they can, vile attacks made upon public men. I am not responsible for what has appeared in the *Citizen* of this city, neither am I responsible for what has appeared in the Hamilton *Spectator*. If he has been a constant reader of the Hamilton *Spectator*, he must know that although it is a strong Conservative paper, it is one of those journals that has always taken a decided position against interference with Manitoba, particularly upon this question. It is a paper perfectly independent of the government and of any but those who support it. Taking that view of it, I find a letter was written by one of the leaders of the Liberal party—whether with the consent of my hon. friend opposite me and consent of his leader in the House I am not prepared to say—written by the hon. member for L'Islet and published in a Quebec newspaper on this very question. We know if there is one man more than another in the province of Quebec who has expressed more frequent and extreme views upon this question than another, it is Mr. Tarte, the first lieutenant of Mr. Laurier in the Lower House. In dealing with this question he uses this language:

> There is not in the whole Canadian following a man of any standing who is not aware that it is impossible under the present state of things to

force Manitoba to submit to an educational law adopted by the federal power. Such a law can be enacted. It will not be enforced. It cannot be enforced if Manitoba resists, and unfortunately there can be no doubt as to that resistance.

And then the gentleman, in order to cover, I suppose, this bold declaration, tries to throw the responsibility upon the Tory party. He says :

It was so to speak prepared and organized by the Tory party themselves.

That is, he is holding the Tory party responsible for the legislation of Manitoba. If the Tory party are responsible I am somewhat at a loss to know how and in what way. We find to-day the second lieutenant of the leader of the Liberal party making the declaration that it is impossible to carry out any legislation which may be adopted by this Parliament. Is it to be supposed that he gave utterance to such strong opinions upon that question without the consent of his leader? Is it preparing for a fall? Are they preparing to say to the people that they are not prepared to go as far as the Tory party of which he speaks, and of which unfortunately for the party at one time he was a member, and hence not being able to carry out any act of remedial legislation, you should not attempt it? There is no other inference which can be drawn from that, and when you see the trio—the Honourable Wilfrid Laurier on the right, Joseph Martin in the centre, and Israël Tarte on the left, it is a picture you could hand down to posterity as an evidence of political purity and consistency. However, as they do not belong to my party, I do not envy them their combination. Mr. Tarte then goes on (it is not necessary for me to read it), denouncing in no unmeasured terms the letter which was written and published by Bishop Gravelle. However that is a matter I leave with them.

Hon. Mr. MASSON—Is it right to refer to that?

Hon. Sir MACKENZIE BOWELL—No, not right to refer to members of the other House. That is a practice that I have been deprecating, but in discussing this question I must refer to the opinions held by those occupying positions in public life and who are anticipating in a very short period the pleasure of occupying the place that we now hold. I point it out to show what the gentleman who is so honest, and who desires so earnestly to obtain this legislation, may expect by defeating those who pledge themselves to carry it out if the province of Manitoba will not. What I object to more particularly in the remarks of my hon. friend is his expression of doubt of the sincerity of those with whom he has been associated for some years. In that respect I have to thank the hon. member for Toronto (Mr. O'Donoghue) for the remarks he made, and I have to say this to him : That if my Ontario colleagues think proper through fear as he says—and I can safely say it is a quality they do not possess—to retire from the government on account of this question, if my health remains, I shall try and fill the positions with gentlemen who hold views on this and other important questions in accordance with my own. The hon. gentleman said further—and it is for this that I thank him—that he doubted whether, if they gave remedial legislation, one of them would ever come back to the House or ever be elected. If that be the case—and probably it is—so much greater is the credit that should be accorded to men who take their political life in their hands, with defeat staring them in the face, and come down to Parliament and declare they will do justice to that hon. gentleman's co-religionists in the Dominion while they have the power to do so. In my letter to my hon. friend expressing regret at receiving his resignation—for no one regretted it more than I did for what I considered to be the extreme course he had taken—I used this language :

All your colleagues being pledged to support a remedial measure, to be introduced by the Government securing the minority of Manitoba the rights and privileges of which the Lords of the Imperial Privy Council declared they had been deprived, should I venture to say, have been accepted by you as a guarantee of their sincerity.

I am sorry to find from his language to-day that he has implied no confidence in these pledges. I say for my colleagues—and I reiterate it for myself—that the pledge that we have given as public men will be carried out if we live and are enabled to do it by the majority in the Parliament of Canada. My hon. friend then spoke of the government of Manitoba not being in a position to deal with the question, as by the constitution it is relegated to the legislature. Manitoba has the same form of government as has the Dominion of Canada ; we have under the British constitution that which is called responsible government. No government

can enforce a law upon the people of the country without the consent, approval and support of their parliament. But we have this advantage, under our system the government can lay down a policy, they can embody it in an order in council, and promulgate it if they please; they can appeal to the legislature for support, and if they are not sustained they go out of power, and another party comes in who hold views different from theirs. So it is with the province of Manitoba. The government of that province can say to us, "we pledge ourselves, as a government, to propose to our legislature certain measures which will grant to the minority of the province the rights to which they are entitled." What they do say in their answer is that they will not grant the full measure of what they consider to be the demands made by the remedial order which they received. I appeal to every man who conscientiously believes that it is his duty to himself, to his children and his God that he should be enabled to teach his children the religion which he himself professes, whether it would not be better that the Roman Catholic minority should have those concessions made by Manitoba than to have them forced upon the province by the Dominion Parliament. If we are obliged to legislate on the subject, the minority in Manitoba will encounter difficulties, annoyances and obstructions, that will be constantly thrown in the way of carrying it out. I shall now, with the permission of the House, give my views of what I consider the answer of the Manitoba Government is. I want to show that an olive branch has been offered us to accept if we will. The order starts out in this way:

> The privileges which, by the said order we are commanded to restore to our Roman Catholic fellow citizens, are substantially the same privileges which they enjoyed previously to the year 1890. Compliance with the terms of the order would restore Catholic separate schools, with no more satisfactory guarantee for their efficiency than existed prior to the said date.

That is an incorrect, improper and forced interpretation put upon the language of the remedial order. In passing that order we included the demands made by the Roman Catholic minority of the province of Manitoba, but there is no demand in the order in council that that shall be carried out to the letter. I am not going to argue the question whether the schools were efficient or not. My hon. friend from St. Boniface dealt with that question very well a short time ago. But I say this, that the Manitoba government, or the Manitoba legislature, in putting that construction upon the remedial order, went far beyond its meaning. I will say more than that: there is not a Catholic with whom I have had any conversation on the subject who has asked to have separate schools established in that province that would be in any way inferior to the public schools, or what some people call Protestant schools. They are quite willing and anxious to have properly certificated teachers, and to have a proper inspection of those schools; wherever they receive public money they accept the principle that the public should know how that money is expended. While the Parliament of Canada has all the authority to go to the full length of restoring the old system of education which existed in Manitoba prior to 1890, there is nothing to prevent the acceptance of a compromise, nor is there anything to prevent those who are urging the re-establishment of separate schools following a medium course providing it meets the wishes of the Roman Catholic minority in the province. I take it for granted that the Roman Catholics who desire to have separate schools demand, first, the right to establish separate schools; secondly, to be relieved from taxation in support of public schools when they support their own schools; thirdly, to have the power and authority to teach morals and religion, as they understand them, in their schools; and that they shall, in addition to that, receive an equitable proportion of the public funds; and the full management of their schools, is all, I take it, that reasonable men, and the most earnest of them, have ever asked Parliament to go; and that far the government, of which I am the head, are prepared to go, if the Parliament of Canada will sustain us, in case the Manitoba Legislature refuses to grant a fair measure of relief. Now, have they held out any prospects of that kind? Basing their objections to the remedial order upon the grounds that I have indicated, they go on further:

> We are, therefore, compelled to state to Your Excellency in Council that we cannot accept the responsibility of carrying into effect the terms of the remedial order.

That is the remedial order, as they say they understand it, being a command to re-establish the schools and everything connected with them as they were prior to 1890. Then it says :

Objections upon principle may be taken to any modification of our educational statutes, which would result in the establishment of more sets of separate schools.

But they waive that question ; they decline to discuss it upon the question of principle as to whether separate schools should exist or not. Then we come to the next part, of which I do not take the same view as my hon. friend, perhaps because I do not feel so strongly on the subject as he does. This portion, he thinks, is an insult to ourselves, and an insult to the executive and the government :

We believe that when the remedial order was made, there was not then available to your Excellency in Council full and accurate information as to the working of our former system of schools. We also believe that there was lacking the means of forming a correct judgment as to the effect upon the province of changes in the direction indicated in the order.

Then they add :

Being impressed with this view we respectfully submit that it is not yet too late—

To do what ?

—to make a full and deliberate investigation of the whole subject. Should such a course be adopted, we shall cheerfully assist in affording the most complete information available. An investigation of such a kind would furnish a substantial basis of fact upon which conclusions could be formed with a reasonable degree of certainty.

Now, my hon. friend says that that is an insult—that it implies that the whole order is based upon false premises. It is not a question as to whether we should go into an investigation of the position of the schools prior to 1890. I say, on behalf of my government, we have nothing whatever to do with that. That is not a question for us to decide. What we have to decide is whether the minority have been deprived of any rights, and, if so, whether, under the decision of the Privy Council, we should restore those rights and establish such a system of education in that province as will meet the reasonable requirements of those who demand separate schools, providing against any system which might be called "inefficient." That is the position I take. I would reject, and reject at once, any attempt to appoint a commission. It would be utterly useless ; but I would approach the Manitoba legislature with a declaration that we are willing to discuss this matter, and make the simple proposition "Are you prepared to restore separate schools under such a system as will ensure their efficiency and release their supporters from taxation to support other schools?" I do not believe there is a reasonable supporter of separate schools in this country who would object to a proposition of that kind. I am not defending, or attempting to defend, the Manitoba Legislature or the Manitoba Government, but it must be borne in mind that we are of opinion they took an extreme view on this question. A most unstatesmanlike procedure was the act of the Manitoba Government at the opening of the last session of the legislature, to declare in the governor's speech, before they had received the judgment of the Privy Council in England, and before we had received it here, when all they knew about it was what they had read in the newspapers, to declare point blank that they would not accede to any demands. It was unstatesmanlike and unpatriotic, and showed an ebulition of feeling in this matter that no government, having a proper appreciation of its duty, would have manifested.

Hon. Mr. BERNIER—Do you expect that they will do otherwise now ?

Hon. Sir MACKENZIE BOWELL—I cannot say, but I do not propose to put myself in a position to have the leader of the opposition, or the people of the province from which I come—the majority of whom may hold different views on this question from those of my hon. friend who asks the question—to declare "You have forced upon those people a system which they abolished, without first accepting that half promise of consideration." That is my position exactly. I do, however, cherish a hope, though it may not be fulfilled, that Manitoba will, upon reflection, pursue a policy of conciliation. I want to put myself, as a public man, in a position to say to people who do not hold the same views as my hon. friend on this question, that we have exhausted every possible means to induce the Manitoba Government to do justice to the minority before undertaking to force upon them a system that may prove detrimental to the peace and harmony of the people.

Hon. Mr. McMILLAN—The responsibility is on Manitoba.

Hon. Sir MACKENZIE BOWELL—Certainly it is. I ask for a delay for various reasons. The responsibility is thrown on Manitoba to carry on a system which will benefit educationally, religiously and otherwise, those who desire separate schools. If it is done by the Domininon Parliament, I fear that every obstacle will be thrown in the way of carrying out the law, and lawsuits will arise continually. It will be a bone of contention for years to come, and instead of five years litigation, you will have a much longer period. That is the fear that I have. I hope they may not be realized. If I am wrong, I am like an old friend of mine who once was told that he was always astray in something, and he replied, "Well, if I am, I am honest in it at least."

It being six o'clock the Speaker left the Chair.

## After Recess.

Hon. Sir MACKENZIE BOWELL—It is not my intention to occupy the attention of the Senate for any great length of time. There are only one or two other points to which I desire to refer in order to set the government right upon this question, and to show that there is so little difference between the position taken by my hon. friend and late colleague and ourselves, that it was not sufficient to justify his retirement from the government. I was referring to the answer of the Manitoba government to the remedial order which was forwarded to the Dominion government when the Senate rose at 6 o'clock; I was proceeding to interpret their language in a manner diametrically different from the interpretation put upon it by my late colleague. I was endeavouring to show from the wording of that answer, that there was an indirect offer, at least of consultation, on the part of the Manitoba government with the Dominion government with a view to coming to some terms to avoid the necessity of Dominion legislation and I think the language of the answer justifies the interpretation which I put upon it. They wind up in this manner:

> We respectfully suggest to your Excellency in Council that all of the above considerations call most strongly for full and careful deliberation and for such a course of action as will avoid irritating complications.

Now, if that language cannot be construed into a request for a consideration of this grave question, in order in their own language to "avoid irritating complications," I am at a loss to know what interpretation to put upon the language. And then, the last portion of the answer reads:

> We beg respectfully to place on record our continued loyalty to Her Gracious Majesty and to the laws which the Parliament of Great Britain has, in its wisdom, seen fit to enact for the good government of Canada.

Now, one of the laws which they have enacted for the good government of Canada is the Confederation Act, which contains a clause to secure the rights of the minority in educational matters that they possessed prior to confederation. They consented and approved of the Act incorporating Manitoba in the Dominion of Canada, and that Act contains a clause which was intended at the time, however imperfectly it may have been worded, to guarantee and secure to the minority of Manitoba—which it must be borne in mind were English and Protestant at the time, and not French—the rights that they had enjoyed. Now, if the people of Manitoba and if the legislature of that province mean what that language implies, I do not think it is asking too much to request us to wait a very few months in order to ascertain from them whether they are prepared to acquiesce in the views expressed by the Lord Chancellor of England in delivering judgment on the 25th January last. These are the principal reasons which induced the government to come to the conclusion that they did in reference to asking Parliament to wait for a short time. I should not have referred to the counter proposition of my hon. friend, which was proposed in council, had he not read it himself. I should have confined myself to the position which the government take and their declaration in this House when the policy of the government was affirmed. Even at the risk of occupying a few moments of time, I intend to read the declaration which I made in the Senate affirming the policy of the government, and I will follow it with the counter proposition made by my hon. friend who has left the government, and ask this House to judge for themselves, where the material difference

is between us. There is one difference which I will point out after I have read it, but which I venture to say in the opinion of thinking men, of men who desire to have this grave question settled amicably and without further trouble, is not of so grave a character as to justify a member of the government in sending in his resignation and deserting his colleagues. My declaration was, with the consent of my colleagues (less, of course, my hon. friend), as follows:

I desire to state, that the Government has had under its consideration the reply of the Manitoba legislature to the remedial order of the 21st March, 1895, and, after careful deliberation, has arrived at the following conclusion: Though there may be differences of opinion as to the exact meaning of the reply in question, the government believes that it may be interpreted as holding out some hope of an amicable settlement of the Manitoba school question on the basis of possible action by the Manitoba Government and legislature; and the Dominion Government is most unwilling to take any action which can be interpreted as forestalling or precluding such a desirable consummation. The Government has also considered the difficulties to be met with in preparing and perfecting legislation on so important and intricate a question during the last hours of the session. The government has, therefore, decided not to ask Parliament to deal with remedial legislation during the present session. A communication will be sent immediately to the Manitoba Government on the subject, with a view to ascertaining whether that government is disposed to make a settlement of the question, which will be reasonably satisfactory to the minority of that province, without making it necessary to call into requisition the powers of the Dominion Parliament. A session of the present Parliament will be called together to meet not later than the first Thursday of January next. If by that time the Manitoba Government fails to make a satisfactory arrangement to remedy the grievance of the minority, the Dominion Government will be prepared, at the next session of Parliament, to be called, as above stated, to introduce and press to a conclusion such legislation as will afford an adequate measure of relief to the said minority, based upon the lines of the judgment of the Privy Council, and the remedial order of the 21st March, 1895.

It has been interpreted to mean other than the language implies—to mean that if the government of that province will hold out certain inducements that Parliament will not be called together.

Hon. Mr. ANGERS—Not be able to proceed.

Hon. Sir MACKENZIE BOWELL—I was not referring to the speech of my hon. friend; I was referring to the statements made out of doors. My hon. friend says: "Not be able to proceed." I will accept that interpretation and endeavour to answer it The intention of the government is simply this: if the Manitoba Government come to a decision to offer a reasonable measure of relief to the Manitoba minority, and so inform this government, we shall call Parliament together, lay those propositions before the representatives of the people and ask them whether they approve of them or not. That is the position we propose to take, and I deny the statement which is made directly and indirectly that we divest ourselves—I speak of the Parliament of Canada—of one iota of power that we now possess, because all communications, whatever they may be, with the Manitoba Government, will be predicated upon the supposition that they will accede to the reasonable request of the minority, taking good care that any communication of that kind is so worded that they cannot, even by implication, infer that the Parliament of Canada divests itself of the power that it now possesses. Now, what is my hon. friend's counter-proposition?

Hon. Mr. DEBOUCHERVILLE—Is this counter-proposition dated the same day as the proposition of the government?

Hon. Sir MACKENZIE BOWELL—This counter-proposition was made in council. Of course we have the Governor General's permission to disclose it. If the argument of my hon. friend be a sufficient reason for leaving the government, then he never should have committed himself to this proposition. It reads thus:

I desire to state that the government has had under its consideration the reply of the Manitoba Government and legislature to the remedial order of the 21st March, 1895, and after careful deliberation has come to the conclusion.

That is the same introduction as the other.

At this late stage of the session, and seeing that so little time has elapsed since the reception of the answer of the legislature of Manitoba to the remedial order of the 21st March, and in view of the complicated nature of the legislation required to restore to the minority of Manitoba their rights to separate schools, the government has determined not to introduce such legislation this present session, but will call a session of this present Parliament during next fall for the purpose of introducing and pressing to a conclusion the necessary legislation to grant relief to the said minority on the lines of the judgment of the Judicial Committee of the Privy Council and of the remedial order of the

21st March, if the legislature of Manitoba has not, before that time, taken such steps as to satisfy the minority in that respect, which hope every loyal subject of Her Majesty should entertain before believing that the province of Manitoba would ignore the decision of Her Majesty's Privy Council and the remedial order of the Governor General of Canada, and I wish further to state that the government will transmit to the government of Manitoba a copy of this present declaration made to Parliament.

The House will observe that there is just this difference between the two, that in the proposition of the government we affirm that we will send a communication to the Manitoba government to inquire as to the actual meaning of their answer to the remedial order. My hon. friend says "No, I will not humiliate myself by entering into negotiations with a government that has ignored and," according to his interpretation, "insulted the governor in council by declaring that we did not understand the question when we passed it." I say that is a matter of opinion, and when we are dealing with grave questions of a constitutional character of this kind, it is not well to be too particular in putting a strained interpretation upon any language. But my hon. friend, while he adopts the policy of delay, while he admits the intricacy of legislation of that kind and the difficulty of dealing with it on such short notice, says, this being the case, he is willing to wait and willing to consider the subject in the meantime, but he will not communicate with the government of Manitoba because he does not like them, because he has no confidence in them, because they have insulted him, and because he does not believe they have any intention of doing justice to the minority. He says, "Read this to Parliament, make that your declaration and send them a copy of it." They would get a copy of it the moment it was published in the newspapers. Is that the way to proceed? Suppose England had a difficulty with a foreign government upon some matter and they sent a diplomatic letter, telling them, in the interests of the peace of the world and of good to all countries, it was necessary to take such and such a course, and that the reply was, "Oh, no, if you mean so and so, we cannot comply with your wishes, but we are willing to investigate the question and see if we cannot come to some amicable settlement," would England declare war? Would any statesman, worthy of the name, for one moment say that he would not continue negotiations in order to ascertain what that foreign power really meant? In a small way, we are in precisely the same position. How much greater should our anxiety be to have a thorough understanding on a question of this kind, when we are dealing with one of our own family, one of our own provinces, with whom we desire to live in peace and harmony, as a father should desire to live in peace and harmony with his family? That is my view of the matter. Since the announcement of our policy on this question, I am glad to say we have received letters and telegrams from various parts of the country expressing approval of the moderate course that we have adopted. Since I left this House at six o'clock I received a letter from a professional gentleman in Winnipeg, who writes as follows:

> My Dear Sir Mackenzie,—The people here approve of the action of the government, satisfied it is the best course that could be adopted.

That is, not the course of abandoning the declaration we had made to grant to the minority of Manitoba a reasonable amount of relief, but to first appeal to Manitoba and then act afterwards if necessary. I have here a letter, received by one of my colleagues, from a judge in Ontario, and I venture to say that he expresses the opinion of nineteen-twentieths of the liberal-minded men of the province from which I come. The letter is as follows:

> Just a line to express my satisfaction with and admiration of the government in this school question.

This gentleman is a Protestant, he continues:

> I am voicing the sentiments of judges, bankers, labourers and everyone (Conservatives)—

He puts "Conservatives" in parentheses; he could not expect it from the others, I suppose.

> —and every one I met and talked with yesterday—

He is on one of his circuits in the western part of Ontario.

> —while travelling about this part of the country, when I say that we never felt prouder of our party. The determination not to interfere with Manitoba so long as there is a chance that she can be got to do what is right, and the determination to make her do it in the end if she will not voluntarily do it herself, meets with general approbation. It is statesmanlike and, above all, just and right. Do not fear the result. You cannot be defeated in the end. This is the general opinion here, and if you

go down, it can only be to come back in a few months stronger than ever, for you would be beaten by a pack of howling extremists at opposite goals, who could never hold together.

Hon. Mr. POWER—I think it is the duty of the leader to give us the name of the writer.

Hon. Sir MACKENZIE BOWELL—No; it is not my duty. There is no authority for the demand. I will give the name of the writer privately to my hon. friend, but not for publication.

Hon. Mr. McINNES (B.C.)—It is an extraordinary letter to come from a judge.

Hon. Sir MACKENZIE BOWELL—I expected that question to be put to me, but if you will consult the authorities you will find that a member is permitted to read a letter in the House and is not obliged to give the name of the writer. I made the same demand myself in the House of Commons once and was well answered by Mr. Blake. He declined to give me the name. I am satisfied that this writer expresses the opinion of a great majority of the moderate men in Canada. I go further; while he speaks for the Conservative party, I believe he echoes the sentiments of a large number of the Liberal party in the province of Ontario—men who desire to see the people of this country live in peace and harmony together and not grappling with each other's throats every day in the week because they may differ on a particular question of theology, or the best way to serve our Maker. It is time that we should learn to unite together on broad principles in this country, each one enjoying his own opinions without let or hindrance, without interfering with his neighbour. We can afford to live together in peace and make this a great country, but we never can succeed if, because you think differently from me upon a question of this kind, we must rend ourselves apart and quarrel because one happens to be French and another English, or because one worships at one altar and another at another. If that is to be the action of the people of the Dominion—I do not say of the politicians of this country—then good-by to Canada as a happy place in which to dwell. I have again to express my very deep regret at the course that my hon. friend has taken in this matter. I repeat what I said when I made my first short explanation, that I never had the slightest idea but that he was actuated by the purest and most patriotic motives in the course that he has taken, believing that in the course he is pursuing he is acting in the interest of the minority of the province of Manitoba; but I warn the extremists of both parties when dealing with a question of this kind, which appeals to the prejudices and passions of the people, that they must reflect on what is to follow. I ask this House, and I ask the country, to go further than that and consider the grave responsibility that this Parliament is taking on itself when it enacts a measure which it will be compelled in future to put in force and work in the face of opposition from the provincial government. The moderate men of this day, who do not take extreme views upon questions of this kind, will see that we are taking not only the most statesmanlike course, but the best course to be pursued in the interest of Manitoba and of the whole Dominion. My hon. friend has strong views on this question; he may believe that it is his bounden duty to sacrifice the position he holds and all it carries with it—I do not say emoluments, because there is nothing in that, but the honour it gives him and his family—but he must not forget that there are other classes of the community who hold as strong views on the opposite side, and if it is our desire to live in peace, we must learn to respect those who differ from us and approach them in an amicable spirit, dealing with them as we would with brothers. I know the hon. gentleman from St. Boniface has no faith in the Manitoba Government; he does not believe there is any truth or sincerity in them. That may be true, or it may not, but I have come to the conclusion, and the cabinet also has come to the conclusion, that it is better to approach them and deal with them as we would deal with a friendly country, and act afterwards. They may be very bad, but I will quote for him a couplet from a hymn composed by a very good man:

> "While the lamp holds out to burn,
> The vilest sinner may return."

Probably they will return to their senses and act in accordance with the wishes of my hon. friend. I hope they may and save this country the trouble and annoyance which may result from the adoption of remedial legislation by the Dominion Parliament.

Hon. Mr. BERNIER—I should like to ask some questions of the hon. gentleman. The first paragraph in the declaration that he made last Monday is as follows :

I desire to state, that the government has had under its consideration the reply of the Manitoba legislature to the remedial order of the 21st March, 1895, and, after careful deliberation has arrived at the following conclusion : Though there may be differences of opinion as to the exact meaning of the reply in question, the government believes that it may be interpreted as holding out some hope of an amicable settlement of the Manitoba school question on the basis of possible action by the Manitoba Government and Legislature.

Does that imply that the government is of opinion that the answer of the Manitoba Government to the remedial order is not a sufficient answer to give jurisdiction to this Parliament in the matter of remedial legislation, or does the Government hold that the refusal of the Manitoba Government, as contained and expressed in the answer to the remedial order, is such as to give jurisdiction to this Parliament in matters of remedial legislation ?

Hon. Sir MACKENZIE BOWELL—The first portion of this question is as follows : " Is the government of the opinion that the answer of the Manitoba Government to the remedial order not a sufficient answer to give jurisdiction of this Parliament in matters of remedial legislation ?" I do not think that the answer of the Manitoba Government is sufficient to justify us in proceeding without ascertaining exactly what they mean. As to giving us power in the matter of remedial legislation, I do not see that the answer of the Manitoba Legislature denies the right of the Parliament of Canada to deal with this question, because it invites consideration of the matter in order to avoid legislation by the Dominion Parliament, with the hope that an amicable or satisfactory arrangement can be arrived at. The question continues : " Or does the Government hold that the refusal of the Manitoba Government as obtained and expressed in the answer to the remedial order is such as to give jurisdiction to this Parliament in matters of remedial legislation ?" I am not sure whether it does or not. I have never looked at it from that standpoint, but this much I do say, we do not consider it denies the right of this Parliament, nor does it admit it other than in the manner in which I have answered.

Hon. Mr. BERNIER—Does the government consider that this Parliament has now full and complete jurisdiction in matters of remedial legislation ?

Hon. Sir MACKENZIE BOWELL—Yes, most decidedly, and so it will, in my opinion and that of the law officers of the Crown, after we have tried to ascertain from the Manitoba government what they mean by their answer.

Hon. Mr. BERNIER—Well, taking the answer as it is at present, is the government of opinion that this parliament has complete jurisdiction ?

Hon. Sir MACKENZIE BOWELL—Yes, I think the Constitutional Act gives the power to the Dominion Parliament to legis ate upon the question of education where a province has violated the terms of the constitution.

Hon. Mr. LANDRY—On the refusal to act.

Hon. Sir MACKENZIE BOWELL—Or on the refusal to act, one or the other, because the constitution provides that when a decision is given, that a grievance exists, it is the duty of the federal power to notify the local legislature that has so violated the constitution, that they must afford a remedy, and if they do not do it, then the Parliament of Canada is vested with the power to deal with the question.

Hon. Mr. BOULTON—But the hon. leader does not mean to say that Parliament is obliged to do so.

Hon Sir MACKENZIE BOWELL—I did not say so ; what I said was, they are vested with the power.

Hon. Mr. BERNIER—Do the Government consider that the communication they intend to send immediately to the Manitoba Government is simply an act of courtesy extended to the latter, so as to leave no excuse whatever for their course, should they be willing to persist in the course they have taken by their answer to the remedial order ?

Hon. Mr. McKAY—I rise to a point of order. These questions are very important and are being answered off hand, and I

think the government should have notice of them. I object to their being put off hand.

Hon. Mr. MASSON—The hon. member has no right to raise the question ; the only members who have the right to complain are the members of the government themselves. If the government asks for delay it should be granted ; but if the government does not ask it, no objection can be made.

Hon. Sir MACKENZIE BOWELL—I have no objection to answer the questions. If there is any that I cannot answer I will ask for delay. If the hon. member had said that this discussion was not in order, he would have been right. It is a duty that devolves upon the Dominion Government to treat the Manitoba Government as if they were in the most friendly alliance in order to obtain as satisfactory an arrangement as possible.

Hon. Mr. BERNIER—Is the government willing to answer more questions?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. BERNIER—What is the meaning of the term "reasonably satisfactory" which is to be found in one of the paragraphs of the statement of last Monday? Does it mean that to be reasonably satisfactory, the settlement of the question by the Manitoba government, in case they should undertake such a settlement, will have to be upon the lines of the judgment of the Privy Council and of the remedial order of the 21st March last?

Hon. Sir MACKENZIE BOWELL—What is the meaning of the term "reasonably satisfactory?" Well, I must confess that I shall have to adopt the suggestion of my hon. friend from Truro before answering this question, and then I do not know if I could answer if I had a month to do it unless the hon. gentleman could first tell me what would be a reasonably satisfactory arrangement to himself. Then after that, I would have to go and ask my late colleague what would satisfy him. Then I should have to ask my hon. friend from Terrebonne. Perhaps something more reasonable would be acceptable to my hon. friend from Toronto (Sir Frank Smith), provided that his co-religionists were properly looked after. I am sure my hon. friend must have forgotten that the declaration made by myself in the House would answer this last question of his. "Is it to be upon the lines proposed by the Privy Council and the remedial order?" The declaration made by myself on the part of the government uses those very words.

Hon. Mr. BERNIER—Not in that paragraph.

Hon. Sir MACKENZIE BOWELL—Well, it is in another paragraph.

Hon. Mr. MASSON—The objection is that in one case you make use of the word "reasonably" and in the other case, when you speak of the Act of the Federal Government, you say not reasonably but on the lines of the remedial order. If you would say: "in the spirit of the remedial order," it would answer the purpose.

Hon. Sir MACKENZIE BOWELL—In the one case we say if we do not make an arrangement satisfactory to those interested—that is outside of the pale of the Dominion Parliament—we will settle it upon the lines of the judgment of the Privy Council and the remedial order, and go to such a length as should meet the reasonable expectations of my hon. friend.

## THIRD READING.

Bill (82) "An Act respecting the Kingston and Pembroke Railway Company."—(Mr. MacInnes, Burlington.)

## MARKLAND MORTGAGE ACT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (136): "An Act respecting the discharge of a mortgage to Her Majesty known as the Markland mortgage." He said:—This bill asks power to release a mortgage which has been in existence since 1855. Property was mortgaged in Kingston by one Markland, who was a defaulter, and sold at public auction under a wrong description, the party buying it thinking he was buying a larger quantity of land than there really was. It is on the water front. He paid $500 of a deposit, and afterwards applied, having bought it under a misapprehension, to have the money refunded, he had given a

mortgage for about $4,000. The Markland mortgage has been standing upon the records of the department as an asset ever since. The Public Accounts Committee investigated the matter two or three years ago, and recommended to Parliament the cancellation of the mortgage, but it never went beyond that except the adoption of the committee's report, and the Justice Department advised that it was necessary to pass an Act in order to enable the government to dispose of the property.

The motion was agreed to.

## DOMINION ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of the Bill (68) "An Act to further amend the Dominion Elections Act." He said: The object of the bill is to leave no doubt as to the date of voting in the united counties of Cariboo and Yale. Prior to union the voting in Cariboo, was at a later date than the general election. This bill provides for the vote being taken in the new constituency at the time of the general voting. The amendments to the bill are all made with that object in view. There are others it affects in the same way, Gaspé and Chicoutimi, and to remove some doubt in reference to the districts of Algoma and Nipissing. The House will remember in the redistribution of seats Nipissing was made a new electoral district. This bill is to remove all doubts as to the voting in those different places.

The motion was agreed to.

## MANITOBA ROAD ALLOWANCE ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (114) "An Act to amend the Act respecting road allowance in the Province of Manitoba." He said:—This is simply to remove doubts and place certain road allowances within the power of the Local Government of the North-west Territories.

The motion was agreed to.

## COPYRIGHT ACT AMENDMENT BILL

COMMONS AMENDMENTS CONCURRED IN.

Hon. Sir MACKENZIE BOWELL moved concurrence in the amendments made by the House of Commons to Bill (F) "An Act to amend the Act respecting Copyright." He said: I have not had time to read the amendments and do not know what they are. If my hon. friend opposite has read them and is satisfied with them, I move concurrence in them now.

Hon. Mr. POWER—I am satisfied with them; that is all I can say.

The motion was agreed to.

## FIRST AND SECOND READING.

Bill (34) "An Act respecting the Toronto, Hamilton and Buffalo Railway Company." (Mr. Lougheed.)

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 12th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## INTERNATIONAL RADIAL RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. VIDAL, from Committee on Railways, Telegraphs and Harbours, reported Bill (96) "An Act to incorporate the International Radial Railway Company" without amendment.

Hon. Mr. LOUGHEED moved the suspension of the 70th Rule.

The motion was agreed to.

Hon. Mr. LOUGHEED moved that the bill be now read the third time.

Hon. Mr. ALLAN—Before the bill is read a third time I wish to enter my protest against legislation such as this bill carries

out, because it entirely sets aside provincial legislation on the same subject and in these days, when we hear so much about provincial rights and provincial autonomy, I think the objection is worthy of some consideration. There is a very strong feeling existing in Ontario against Sunday traffic on railways and Sunday excursion trains, and it resulted finally, owing to the strong representation made on this subject, in a general Act passed at the last session respecting electric railways, by the provincial legislature prohibiting excursion trains. It was expressly provided that no passenger trains should be run on such railways on Sunday except at certain hours in the morning and in the evening for the conveyance of milk from the country, but they prohibited the carrying of passengers by those trains, thereby of course preventing these Sunday excursion trains running. That bill was passed by a very considerable majority and is now the law in respect to electric radial lines incorporated under the Act in Ontario. In order to set that aside, so far as these railways are concerned, the promoters of this bill come to this parliament and by the aid of that fiction set forth in the clause that " the railway is to the general advantage of Canada," they bring in this Dominion bill to incorporate these roads free from any restrictions as to Sunday traffic, and thereby completely override provincial legislation on the subject. I brought up the matter in the committee, but I am bound to say I did not find very much support, but I wish to relieve my own conscience in regard to the matter by making this protest before the bill passes.

The motion was agreed to and the bill was read the third time and passed.

## THIRD READING.

Bill (34) " An Act respecting the Toronto and Hamilton and Buffalo Railway Company."—(Mr. Lougheed).

## TRANSPORTATION ON THE GREAT LAKES.

MOTION.

Hon. Mr. BOULTON moved :

That in the opinion of the Senate of the Parliament of Canada, it is in the interests of the inland transportation of our great lakes to accept the invitation of the Congress of the United States, and appoint three commissioners to meet three commissioners appointed by the government of the United States, to discuss ways and means whereby ocean vessels may have access to the headwaters of our inland navigation, and the marine fleet of large vessels on our upper lakes can have access to the ocean with the view of cheapening the cost of transportation.

He said : I have brought this motion forward in the interests of our transportation from the west to the east. The province of Manitoba and the North-west Territories and the whole of the great west are dependent entirely upon their prosperity and success on the economy with which they can get their heavy produce to the seaboard. They have to pass down through the lakes and through inland transportation in order to reach foreign markets. I do not know that my resolution will meet with any disfavour from the government because I observe in the House of Commons that a question was asked and the government stated it was their intention to appoint three commissioners when the time came and unless they should express themselves as to the inexpediency of this motion I have no doubt it will meet with the approval of this hon. House, and of the government also. It is quite proper when the Congress of the United States had put upon record a resolution favouring such an international conference that we should have something on record also in order to justify the government and to show our sympathy with the movement that has been inaugurated in the Congress of the United States. One of the first things to which I should like to draw the attention of this House is the falling off in our great marine interests as shown by the report of the Department of Marine and Fisheries. In 1873 there were 6,783 vessels with a tonnage of 1,073,000 tons on the registered books of the Dominion of Canada. They averaged 160 tons per vessel. In 1893, 20 years afterwards, there are 7,113 vessels with 912,000 tons averaging 126 tons. So that you will see, hon. gentlemen, that the average total of our marine has fallen from 160 tons in 1873 to 126 tons in 1893. There is also further evidence in regard to that. In 1894 the comparative statement of new vessels built and registered in the Dominion of Canada was 490 vessels, 183,000 tons, averaging 380 tons. In 1893 the number of vessels built and constructed was 362, averag-

ing 28,000 tons, the falling off averaging 80 tons, so that there has been a falling off in the construction of vessels in Canada between 1874 and 1893 of over 380 tons average tonnage to 80 tons average tonnage, with about 140 less vessels built and constructed; so that not only has the average tonnage of vessels built and constructed fallen off very largely, but the average tonnage of vessels registered, the total registration of all vessels fallen off in Canada. Now that is the report given to us here by the Minister of Marine and Fisheries. If that is correct, hon. gentlemen, it is wise for us to consider what is the reason for that falling off in our marine. In a country that possesses such magnificent opportunities for the establishment of a marine, that has always had such magnificent opportunities for the constructing of vessels, that has the necessity for sailors qualified to traverse the ocean and our inland navigation, what is the reason that tremendous falling off has occurred in the past twenty years? The increase in the inland transportation has been enormous in those twenty years, but it has mainly been in the increase of United States shipping, and the increase of United States transportation on our inland lakes has been enormous while ours apparently has, comparatively speaking, stood still notwithstanding the progress of twenty years. Now, hon. gentlemen, we have the best means possible of developing inland transportation, or rather ocean transportation reaching the head waters of our inland transportation, that any country can possibly enjoy, and it is not a singular position that the Congress of the United States has taken in moving this resolution in 1892:

Resolved, that the Senate and House of Representatives of the United States of America in Congress assembled, that the President of the United States be, and he is hereby requested, to invite negotiations with the Government of the Dominion of Canada to secure the speedy improvement of the Welland and St. Lawrence canals and St. Lawrence River, so as to make them conform in depth and navigability, so far as practicable, to the standard adopted by the Government of the United States for the improvements now in progress within the United States of the waters connecting the Great Lakes, and to that end the President is hereby authorized, if he deems expedient, to appoint three commissioners to negotiate on behalf of the United States, with the representatives of the Government of the Dominion of Canada, the terms and conditions of any agreement which may be entered into between the two Governments, in pursuance of any proposition submitted in that behalf by the Government of the Dominion of Canada.

Now, the terms of the resolution submitted to congress authorize the President of the United States to appoint commissioners. What have we to justify such international arrangements? Here we have on one side of the great lakes to the south of us the United States territory, and to the north the territory of Canada. Here the people of the United States cannot reach the seaboard unless they co-operate, or Canada co-operates in order to enable them to provide the facilities to reach the seaboard by the construction and improvement of the navigation of the St. Lawrence, which will enable them to do so. Now, in Europe we have the example of the river Danube and the river Rhine, two large navigable rivers that pass through different countries. They are worked under an international agreement. The international improvements necessary to keep that navigation in the highest state of efficiency is managed by a commission. In the case of the Danube it is managed by two commissions, one representing the European powers and the other representing the state interested in the navigation itself. Therefore we have that example before us in that case to justify such an international arrangement as is called for here by the resolution I propose to put to this hon. House similar in terms to the resolution already adopted by Congress. We have further the arrangement that has been proposed with regard to the building of the Nicaragua canal. That is a canal that foreign countries are interested in, and no doubt when it comes to be constructed in order to shorten the transportation between the Pacific and Atlantic, it will, I have no doubt, come under similar international arrangements between Great Britain and the United States. We have the Manchester ship canal which has been built at the expense of $75,000,000, which is open practically to the world, in consequence of the liberal terms upon which Great Britain conducts not only her ocean but her coasting trade—afraid of no competition is her motto. Then we have again the large canal that has been built by Germany, to shorten the navigation between the Baltic and the ocean, just opened, that I have no doubt is open to the world as well. Then we have the Suez canal, which has altered the geographical features of the

world so enormously by its construction, and which is, virtually speaking, under the international code, in consequence of its being open for the benefit of all nations. Now, there are these examples, which justify our government in taking up that question, and co-operating in all friendship with the people of the United States, in order to improve our inland navigation,—in order to give not only ourselves greater facilities for the transport of our produce to the seaboard,—but to show it is not our intention to act in the dog-in-the-manger way, but allow the enormous trade and traffic that the United States are developing to the west and on our inland lakes; that they may have the very best opportunity of reaching the ocean through our waterways, through the ports of Montreal and Quebec, or down Lake Champlain to New York, which will also give us the advantage of the shipping that must concentrate and meet on this route, in order to take outward cargoes and return cargoes, backwards and forwards, to the great advantage of all those who are dependent upon cheap transportation for their prosperity. You understand, hon. gentlemen, the great industries of farming, of mining, of lumbering and everything else, must be benefited by the economy that is gained by the cheapening of transportation; the cheapening of production must result beneficially to those who are industriously engaged in producing wealth for the Dominion of Canada from those sources, and therefore anything that will assist the production in Canada of these great industries which we are capable of promoting should receive the encouragement of Parliament in every possible way if it can be shown that such a policy is likely to produce such a result. Now, hon. gentlemen, at this late hour of the session I do not desire to go into this interesting subject—because it is an interesting subject—at as great length as its importance justifies; but I should like to quote to you some statistics in order to show what change has taken place in our transportation and in the rates, and I will quote from the report of the Department of Railways and Canals some of the statistics that are there contained with regard to the carriage and transport of the produce from the east to the west. At page 252 of the report of the Department of Railways and Canals it is shown that the quantity of barley, grain, oats and wheat which arrived at Montreal by the Grand Trunk Railway and the Canadian Pacific Railway for the period of 12 years is as follows:—In 1882 it was 75,000 tons, in 1887 it was 191,000 tons, in 1893 it was 147,000 tons: 1893 was a year possibly of scarcity and it was not so large. The quantity of the same articles which passed down the whole length of the St. Lawrence canals to Montreal for the same period was in 1882 230,000 tons, in 1886 272,000 tons, 1893 532,000 tons. Now you see, hon. gentlemen, that the Grand Trunk and Canadian Pacific two great corporations that pass almost across the continent—the Canadian Pacific Railway which does pass across the continent, and the Grand Trunk Railway which passes half way across the continent—carried altogether 147,000 tons in 1893 as against 532,000 tons that were carried by water in our inland transportation, so that you can see, hon. gentlemen, the great importance of the proper development of our inland transportation. Then I will quote you again the quantity of grain that passed down the Welland canal in Canadian vessels to Kingston for 10 years. It is as follows: In 1886, 244 cargoes with 143,000 tons, in 1887, 284 cargoes 178,000 tons, in 1893, 146 cargoes with 148,000 tons. That is the quantity that passed down the Welland canal in Canadian vessels to Kingston. In United States vessels there were in 1884, 117 cargoes with an average quantity of 75,000 tons. In 1893 there were 257 United States cargoes with 328,000 tons. This was largely in excess of former years, and is probably accounted for by the large shipments made to Europe in the fall of 1893, taking every route. You will therefore see the exceedingly large proportion of tonnage that passes down the inland transportation of the United States as compared with Canada. Now the next is the total quantity of freight passing eastward and westward by the Welland and St. Lawrence canals from Lake Erie to Montreal during the 13 years as follows: Eastward to Montreal in 1881 it was 169,000 tons; westward from Montreal 37,000 tons. In 1893 eastward to Montreal it was 508,000 tons, and westward from Montreal it was 16,000 tons. So that you see the enormous discrepancy that exists between the east and west bound traffic. 16,000 tons westward and 508,000 tons eastward. Now the total quantity of freight that passed eastward and westward through the Welland canal to United States ports

for a period of thirteen years is as follows: in 1882, 110,000 tons coming eastward; westward 172,000 tons. So you see that there was a greater quantity of American goods going westward than there was coming eastward, that is through the Welland canal. In 1893 there was 384,000 tons coming eastward, and going westward there was 247,000 tons. There it has changed somewhat. In the 508,000 tons that I quoted going eastward to Montreal of course is included the 384,000 tons of American traffic that is here quoted, going from United States ports diverted before reaching Montreal. The following statement shows the aggregate number of vessels and the total quantity of freight passing through the Welland canal and the quantity passing between United States ports from 1867 to 1893 inclusive:— In 1867, 5,405 vessels, 933,000 tons, 458,000 passed from United States ports to United States ports; in 1873 there was 6,425 vessels carrying 1,506,000 tons, 748 tons between United States ports; in 1893, 2,843 vessels carried 1,294,000 tons, 631,000 tons passed from United States ports to United States ports. Now you see that in 1867 there were 5,404 vessels to carry nearly 1,000,000 tons; in 1873, 6,425 vessels to 1,506,000 tons, while in 1893 there was only 2,843 vessels to carry the same tonnage as was carried in 1870 by 7,356 vessels. It is self evident that the size of vessels has increased so largely that the same tonnage is hauled with 2,800 now, as it took 7,500 vessels to haul 20 years previously. On reference to the report made by the railways and canals to the state legislature of New York, I find of a total of tonnage of freight carried by the canals and railways, the state canals carried in 1869, 47 per cent and in 1891, 13 per cent. The quantity of freight carried by the canals and railways was greater in 1892 by five millions of tons than the quantity carried in 1891. The quantities carried were as follows: In 1869, twelve million tons were carried by the railways and canals jointly and the proportion carried by the canals was ·4705. In 1892 there were 43 millions of tons carried and the proportion carried by the canals ·0982, showing that the canals from Lake Erie to the seaboard were inadequate to compete with the railways. The average freight rates on grain from Chicago to Buffalo were in 1878 3·1 cents per bushel. In 1893 the average freight was 1·6 cents per bushel, so that the freight has fallen exactly one-half in the 15 years between 1878 and 1893, that is in consequence of the larger vessels that now ply between Chicago and Buffalo. With regard to the rates I quote here in 1884 the highest rate for wheat in 1884 was 3 cents, the lowest was 1·6 cents. The average for the season was 2·1 cents that is in 1884. That is the average rate of freight for that season. In 1889 the highest rate for wheat was 3·6 cents and the lowest 2 cents, the average for the season was 2·5 cents. In 1893 the highest rate for wheat was $2\frac{3}{4}$ cents, the lowest 1 cent, average for the season, 1·6 cents. Hon. gentlemen will see, according to these statistics, given to us in our report by the Minister of Railways and Canals, that the rate on wheat has fallen between Chicago and Buffalo from 2·1 to 1·6 or very nearly cut in two. The reason of that low rate is the increased facility for transportation and the increased size of the vessels. The vessels have been increasing year by year. Where they carried 5,000 bushels, and it was thought a large cargo a few years ago, now it has increased to 75,000 and 100,000 bushels. With the increase in the size of the vessels down goes the rate. The result of that increase in the transportation from west to east has necessitated the deepening of the Sault Ste. Marie canal to 20 feet, not only by the United States Government but by our own government as well. Mr. J. J. Hill, president of the Great Northern Railway, is on record as saying:—

> The government engineers propose to give us 20 feet of water. We shall accept the 20 feet and use it when we get it, but I promise you when ever they will guarantee me 18 feet I will build a line of boats that will carry 6,000 tons instead of 3,000 tons which is now the limit, and cut the present rate of lake transportation square in two. There are now 300 large steamers which are land locked and idle half the year. The following statement shows the receipts of grain and seed at Buffalo, elevating and storage rates. In 1870, 32,000,000 bushels, average canal freight 11 cents, elevating $1\frac{1}{4}$ cents. In 1880, 105,000,000 6·5 cents, elevating 1 cent.

In 1893, the total bushels received was 140,000,000 and the average elevating and storage was 7·8 cents, and canal rates 5·6 cents. So you see with the increase of transportation down come the rates on wheat and the elevating charges. All this is to the advantage of the great producers of these enormous quantities of grain and produce, coal, ore, etc., whatever it may be, all to the encouragement of the production of

wealth, and the employment of labour in those industries. If it has been necessary and found advantageous to deepen the Sault Ste. Marie canal, do not the same arguments apply in order to justify the question of deepening our canals to the same depth? Is not the money thrown away in Canada upon the deepening of the canals to twenty feet at the Sault Ste. Marie, if we cannot get beyond the Welland canal with a cargo that draws twenty feet of water? The advantage of deepening the canal at Sault Ste. Marie is only for the purpose of encouraging us to transport in large vessels our grain or produce to Buffalo and thereby find its outlet abroad for export to European markets through the Erie canal by way of the state of New York. That is the only advantage it possesses so far as the deepening of the canal is concerned. There has been a demand in the upper lakes—Superior, Huron and Michigan—for an ever-increasing size of vessels. There are vessels there now that carry 5,000 tons cargo, and there is a large fleet of steamers numbering from 300 to 400, most of them, of course, on the United States side. There is this large fleet of steamers which, if they could get to the seaboard through canals drawing twenty feet of water, would go through to the ocean. These vessels are locked up in the winter time, and idle. They cannot be employed during the winter season. If there was a depth of water to enable them to go out into the ocean, these vessels would increase in size, become ocean-going vessels and be employed during the winter season in ocean transport. Then we would have ocean vessels, if they were so inclined, coming in for a share of our inland transportation and competing with our vessels for the freight and traffic developed in that enormous western country. Now is not that to the advantage of those who are producing in that western country, is it not to the advantage of all those who live on the route of those vessels going up to headwaters? Is it not to the advantage of every portion of Canada that, with our power to export to the markets of the world, these magnificent waterways should be utilized to the utmost for the purpose of importing and transporting abroad? Is not that going to offer tremendous facilities for the growth of Canada on lines that will induce the foreign trade of Canada to increase with the markets of the world? I say every port, commencing with Quebec, or going even further down to the maritime provinces, you have an immense advantage in having pass your own door this immense traffic, that is now an impossibility. You see, by the statistics that I have quoted, that the western bound freight in Canada is down to 16,000 tons, while the inland freight is something like 508,000 tons, most of which is diverted to the south. Most of that 508,000 tons goes to Ogdensburg and United States channels from which there is no benefit so far as our inland transportation is concerned. My object in bringing this question before the House is to point out the advantage that will be derived in every part of Canada through the efforts that may be put forth by an international arrangement to deepen our canals so that we can utilize to the very fullest extent the competition that is continually going on in the ocean vessels, the continual improvements being made in ocean transport for the cheapening and encouraging of commerce, and to take advantage of the facilities that Canada has for joining in the commerce. Just to give you some idea of our canal system I will read you a very valuable contribution by a convention called the Deep Waterway Convention, which has taken up this question from an international standpoint. Mr. O. A. Howland, of Toronto, is the president of this convention, and it has contributed some very valuable literature for the public to digest in connection with it. Mr. Thompson, an alderman, of Toronto, read a valuable paper, in which he gave the following information:—

| Canals. | Depth in feet. | Length in miles. | Cost. |
|---|---|---|---|
| Sault Ste. Marie | 22 | ¾ | $ 2,243,810 |
| Welland | 14 | 27 | 23,762,294 |
| Galops | 9 | | |
| Rapide Plat, Williamsb'rg Canals | 9 | 7⅞ | 2,940,551 |
| Farran's Point | 9 | 4¾ | |
| Cornwall | 9 | 11½ | 4,649,574 |
| Soulanges | 14 | 14 | 4,750,000 |
| Beauharnois | 9 | 11½ | 1,611,690 |
| Lachine | 14 | 8½ | 9,686,684 |
| St. Lawrence River Improvement | ..... | ..... | 943,178 |
| | ..... | 85⅝ | $ 50,587,856 |

Hon. Mr. KAULBACH—That is, the whole canal system cost that?

Hon. Mr. BOULTON—Yes. The whole canal system cost something over $50,000,000. The distance from Buffalo to Troy by the Erie canal is 350 miles, and from Troy to New York, 150 miles, or a total from Buffalo to New York of 500 miles. Then by the St. Lawrence, we have from Buffalo or Port Colborne to Dalhousie, 28 miles, from Dalhousie to Kingston, 190 miles, from Kingston to Montreal, 170 miles, from Montreal to Quebec, 160 miles, or a total distance from Buffalo, or its counterpart in Canada, to New York, an ocean port, 500 miles, while to Quebec it is 548 miles or to Montreal only 400 miles. Now, hon. gentlemen will see that Montreal is 140 miles nearer the seaboard from the upper lakes than New York is by the Erie canal, which is almost altogether used now as the ocean port. So the advantages are great when you come to see what facilities we possess to draw down through this magnificent inland navigation the transportation from the west to the east. I will now read to you from the same report the enormous production that exists. The production of corn in those states adjacent to our great lakes is 445,000,000 of bushels. The production of wheat is 246,000,000 of bushels, the production of oats 283,000,000 bushels or a total of 1,000,000,000 of bushels. That is from the states adjacent to our great lakes. Then if you add Colorado, Kansas and Nebraska, which are indirectly connected with Chicago and ports open to our inland transportation, you can add 470,000,000 bushels more of the same articles. Then from Ontario, Manitoba and the North West we have 150,000,000 bushels so that we have altogether tributary to that inland navigation 1,600,000,000 bushels of grain a large portion of which requires transportation. I do not say that all that grain is exported, but an enormous quantity of it in the United States has to go to New York to feed the eastern states. It is that grain which has to feed the large manufacturing population of the New England states and has to be transported by our lake system of navigation which at the present moment finds its outlet by the way of the Erie Canal. It is possible to contribute to the prosperity of the country in the carrying of that enormous amount of produce, by deepening our canals, and then opening the Champlain canal to New York, in order to distribute what produce has to go to feed the northeastern states. That which has to go for export to Europe of course would go down the St. Lawrence and find an outlet that way. That produce which has to go to New York for United States consumption would find its way down the Champlain canal, and any incoming commerce from the south for Canadian consumption would come that way. Eminent engineers have reported upon all these questions, and the Champlain route is a very favourable route. The report of engineers is that it can be deepened to 20 feet—I am speaking now of that canal which takes all our lumber from Ottawa down to Troy—for $50,000,000. The cost of deepening the Erie canal to 20 feet depth would be $250,000,000, according to their report. Then the deepening of the St. Lawrence canal, according to their report, to 20 feet would amount to about $27,000,000 or $30,000,000. Then there is the Welland canal, which would cost to deepen to 20 feet according to the engineer's report about $25,000,000, or altogether an expenditure to connect the upper lakes with both New York and Montreal an expenditure of $100,000,000, or in the case of Canada alone an expenditure of something like $50,000,000 to reach the port of Montreal alone with a vessel drawing 20 feet.

Hon. Mr. POWER—That is a mere bagatelle.

Hon. Mr. BOULTON—The hon. gentleman will realize that when you are discussing the freight and carriage on the production of 1,500,000,000 bushels of grain $50,000,000 capital for the purpose of transporting it does not amount to much. It sounds a great deal to you and me in our limited capacity, but when you have to compare it with the enormous facilities necessary for carrying this freight it is not a bagatelle, but an absolute necessity. The capital has to be there expended in railways whose facilities are not one-fourth the capacity of water power; it has to be expended in steamboats and all kinds of facilities in order to move that traffic, and we must not be frightened at the expense where these necessities are forced upon our attention.

Hon. Mr. KAULBACH—Spend the $50,000,000 on the Hudson Bay route.

Hon. Mr. BOULTON—It is not necessary to bring the Hudson Bay question into dis-

cussion at the present moment. I think if you will assist us to deepen these canals you will do a great deal towards keeping the transportation of that western produce in these channels. Competition however we must have. The energy of that western country is not going to be cramped. It will find its outlet in some direction or other. There is the city of Chicago, out of its own resources and capital, building a canal from Chicago to connect with the Mississippi. What for? For the purpose of diverting the trade of that inland country to the Gulf of Mexico. The canal is now under construction and will be, I believe, 172 miles long. They are expending I think $75,000,000 in the construction of it. They have the most improved facilities for moving earth, grading and all kinds of purposes for taking out that canal 20 feet deep to connect Chicago and Lake Michigan with the Mississippi river. If we want to be alive, in order to share in that traffic we do not want to see the trade and produce that I have referred to go in another direction altogether down the Mississippi or through the Erie canal. We want to encourage the carriage of it through this natural channel. It is like living on a highway. You have a farm on a high road or adjacent to a station—is it not in a far better position than when you are 20 or 25 miles away from it? So it is with us. You make this a highway, one side belongs to our neighbours, and one to us. Our neighbours join with us and say that we want to utilize this magnificent channel that is being afforded by nature, that requires these facilities and this expenditure. Shall we put our heads together, and join together, to bring this about? Now, hon. gentlemen, there is another very good and very just reason why this channel of which I am speaking offers unusual facilities because it will take a very small expenditure—I am now speaking comparatively—to deepen the St. Lawrence itself. There are very few places where those improvements are necessary to make it a 20-foot channel. I am now quoting what the engineers themselves say; I am not speaking on any chimerical idea of my own, but simply what eminent engineers say, and we have to take it for what it is worth; but they do say that at a comparatively small expenditure the channel of the river can be deepened to 20 feet, and going down the river there is no necessity for any lockage at all—it is only coming up the river that lockage is necessary. Now, if these improvements can be made, it stands to reason the capacity of the canal is exactly doubled by that means. Where there is large traffic passing east and west, of course the up traffic is hampered by the down traffic. I believe there are a large number of vessels now going down the St. Lawrence heavily loaded. I do not know the number of feet they draw; I think it is 12; but all it requires is the removal of certain obstructions at certain points in order to make the channel the requisite depth; then the very moment you deepen those channels and give this improved waterway, those improved facilities for navigation, then it becomes possible for coal from the maritime provinces to find its way up to the west. At the present moment the power of exporting coal is bounded by Montreal; and why? Because they cannot transhipit and send it up profitably in small cargoes. Where the upper lakes have facilities for large cargoes it is carried 1,000 miles for 25 cents a ton as a return freight. From Buffalo to Duluth coal is carried for 25 cents a ton. If our coal had the same facilities and could be transported for 25 cents or 50 cents a ton look at what a magnificent field it opens up for the utilization of United States coal in Canada. Then, they are talking of building smelting works in Kingston. If they build smelting works in Kingston they will have to find fuel for it, and coal from the maritime provinces could be utilized for smelting purposes if those facilities are afforded. It opens out a magnificent field for speculation as to the development that would take place in Canada if the question was taken seriously. Now, the hon. gentleman has spoken of $50,000,000 as being a bagatelle; well, to Canada it is a large sum. It has taken us a great number of years to spend that $50,000,000. Unfortunately we have not shown that wisdom that has generally been displayed in the question of public works when we started in 1874 to deepen our canals 14 feet. And what is the result? We have deepened some to 14 feet but there are three or four links only 9 feet deep; so that the measure of capacity for transport through our canals is the nine feet under the improvements that have been made to 14 feet and it would take 3 or 4 years yet to deepen all those canals to 14 feet. Now it is an utter

waste of capital to spend money to deepen the canals to 14 feet if there is one link in the chain 9 feet which utterly procludes you taking the advantage which you would expect to take from the 14 feet. The Gallops Canal and the Williamsburg Canal, and the Cornwall Canal are 9 feet.

Hon. Sir MACKENZIE BOWELL—They are to be deepened.

Hon. Mr. BOULTON—But you commenced to deepen them in 1874—21 years ago, and instead of proceeding *pari passu* with the whole thing and making it a 14 feet canal in 10 years, it will be 25 years before you accomplish your purpose. Whatever money you have expended in deepening to the 14 feet, until the rest of it is deepened, it is valueless, comparatively speaking. Now, the object of a commission such as I have been speaking of, such as has been mooted to the Congress of the United States is for us to put our heads together in a friendly way to see what international arrangements can be come to, to see how ways and means can be established in order to provide the capital expenditure, in what proportion they should be divided, and what is the mode and method of managing the canals, after they have been done. I do not think that any selfish idea should prevail on our part. I think we should approach it in a broad, international spirit. We have everything to gain by cultivating the most friendly relations with our neighbours to the south of us, and to say that we are going to help ourselves by not affording them the facilities which their extraordinary energy is bound to find in some direction, is a weak position for us to take. I think that we should approach this question in the broadest spirit and recognize that there is a great advantage in having an international arrangement with regard to this inland transportation. From a military point of view there is everything to gain by our having that. Thank God, there is very little probability of anything happening of a warlike character between us and our neighbours, but still no one can tell what may turn up at any time looking into the future, and if our canals were an international work, then the people of the United States would have the same interest to preserve them and to protect them as we in Canada would. It would be the most disastrous thing that could happen to this country if, through any misunderstanding, trouble should arise, and that our canals should be made the first objective point, in order to retaliate and cripple, but if there is an international arrangement and both parties are equally interested in preserving their neutrality intact and preventing them being destroyed in any shape or form, I say it is a great protection to the capital that is invested and great protection to the industry dependent upon them. Then, again, the friendly spirit that is engendered by an international arrangement of that kind must be considered ; it should lead, of course, to a different arrangement in regard to our international laws. There should be freedom of commerce so far as our inland transportation is concerned. We should not be tied down as we are at the present moment on both sides. Our western grain at present can be carried from Port Arthur to Buffalo under navigation laws of the United States. Coal can be carried from Buffalo to Port Arthur under Canadiaan navigation laws, but the Americans cannot carry from one Canadian port to another and Canadians cannot carry from one United States port to another. I think those distinctions under an international arrangement of this kind should disappear and that competition should prevail equally to the advantage of both countries. Under our navigation laws, under our duties we are hampered ; most of our grain for export goes from Port Arthur to Buffalo. One of the reasons is that the vessel which carry the grain from Port Arthur to Buffalo and bring back a return cargo, get rid of the duty on coal. The vessel that carries grain from Port Arthur to Midland and to Owen Sound has to pay the duty on coal for the carriage of that grain. Therefore there is a direct bonus of 60c. a ton on all the coal that is necessary to transport our grain for export : there is a direct bonus on the part of Canada shipping from Port Arthur by way of the Erie canal. Just for the reason that they can take on their coal at Buffalo for their return cargo and pay no duty on coal at all. But exporting from Canadian ports they do pay that duty and I say that that is one of the reasons why our grain in the North-west is now finding its outlet to Europe by way of the Erie canal and New York, competition making lower rates. I say that these questions are of very great importance not only to the North-west but to Canada at large, and it is

for the purpose of bringing this question to the attention of the government that I have moved this resolution. It is an international resolution and if it should be considered expedient by the government in any sense or form that I should withdraw it, I should be only too happy to do so, but I think that as the resolution has been passed by Congress, it is not at all out of place and that an expression of opinion of the Senate of Canada in the same direction will be a great advantage to the cause I have been discussing.

Hon. Mr. POWER—I should like to ask one question. I would like to know how the proportion of wheat carried by the Erie canal compares with the proportion carried 20 years ago—I mean the proportion carried by the canal as compared with the portion carried by the railway.

Hon. Mr. BOULTON—I do not know that I have that exact information.

Hon. Mr. POWER—Has it increased or diminished?

Hon. Mr. BOULTON—The proportion I think has increased.

Hon. Mr. POWER—Carried by the Erie canal?

Hon. Mr. BOULTON—Yes; you mean to say the railways carry more than the canal.

Hon. Mr. POWER—The railways now carry a larger percentage of the grain which goes from the west to New York than they did formerly.

Hon. Mr. BOULTON—All I can say is that the carriage of produce by railways according to the interstate commission is nine mills per ton per mile, and the carriage by water is one mill per ton per mile; so that you can see it is only measured by the facilities the water affords. If the water carries it for one mill per mile, it is bound to go that way if the facilities are afforded.

Hon. Mr. KAULBACH—Not when you have frozen waters.

Hon. Mr. BOULTON—The hon. gentleman said "expedition" was important, but the expedition shows that that has no weight, because vessels will go from Montreal down round Cape Horn and take six months to deliver goods to British Columbia and the ports of the United States rather than send them across the continent in ten days by railways.

Hon. Sir MACKENZIE BOWELL—That is what is called standard goods.

Hon. Mr. BOULTON—I am now speaking of the harvest produce we have got, coal, iron ore, and all those things which are standard goods. The computation at the present time is that by the Champlain canal and St. Lawrence canals if they were made 20 feet would cost $1 per ton to carry from New York to Chicago, as against $4.88, the present rate by railway.

Hon. Mr. KAULBACH—I had no idea the hon. gentleman was going to bring on this discussion to-day. I understood him to say yesterday that it would be deferred until next year, in consequence of the lateness of the session and the pressure of other business before us; and therefore I am not prepared to meet his contention in a way satisfactory to myself. This much I will concede, that it would be proper and courteous to accept the invitation of the Congress of the United States, due care being exercised as to the commission that it does not involve great expense. We could well confer with them as to greater facilities for western grain carriage to the ocean. I do not wonder at the United States wanting to get control of our waters. We are in a peculiar, yet prominent, advantageous and commanding position. We have spent 50 or 60 millions upon our inland navigation, and I do not wonder that the United States wish to invite us to enter into some arrangement by which they can have the advantage of our expenditure. Certainly they look at it in that light. We have got the St. Lawrence, and, we have got our canals giving us a highway from the Atlantic to the head of Lake Superior independent of the United States. We had to spend some 25 million dollars on the Sault canal to get an independent waterway. When we had a little civil contention in the west, we were not able to use the Sault canal on the Michigan side, and we were put to the expense of 25 millions to construct a canal on our own side. That is the position that the United States took when they had the op-

portunity, and now they want us to give them greater facilities to extend their trade through our navigable waters and canals all in their interests and not in our own. My hon. friend is a free trader, and as a free trader he would give away our advantages in everything, demanding no compensation in return. He would tax our farmers for the building of these canals, because it would involve a material increase of taxation upon the country to add 50 millions to our debt to improve our canals, deepen them and the St. Lawrence waters, for the United States, when they will not give us the coasting trade. We are ready to embark with them in their coasting trade, but they will not give it to us ! They would like to have the free navigation of our great river and inland waters, but not reciprocity in the coasting trade of even the inland waters. I think long ago, before we became a part of confederation, we were desirous of having reciprocity in the coasting trade with the United States along our sea shores, and it was always declined to us, and they will not open it to us, neither will they give it to us on the lakes; but they would like us to give greater facilities for carrying their produce through our channels and our navigation. That is what the United States wants to do, and with no corresponding benefit to us.

My hon. friend cannot say in the interest of the products of the west, because he showed himself that, with the facilities of railways and the facilities given by increasing the depth of our canals, now the rates have come down as low as they possibly can be. Unless my hon. friend thinks we should embark in inland navigation for nothing, to carry the products west for a nominal sum, we cannot adopt this suggestion. I believe my hon. friend knows that we carry now freight from the west, all our wheat and everything else, as cheaply as it can possibly be carried at a profit, and I do not believe that we would gain anything by the proposed project. We would not get the coasting trade with United States. The only thing we would get would be the advantage the United States would have in our inland waters. That is all the benefit I can see that would be derived from it, because they will not give us their coasting trade. They will not give it to us inland and much less will they give it to us along the coast and therefore I do not see that it is in the interests of Canada, to give greater advantages to the United States than they already possess, and I do not think my hon. friend can show any feasible plan by which we can embark on an expenditure of $50,000,000 to increase our inland navigation chiefly for the benefit and interests of the United States. It would not materially cheapen the cost of transportation, and is not at present necessary to the trade of our western country.

Hon. Mr. POWER—I should not have made any observations on this question if the hon. gentleman from Shell River had confined himself to the matter of which he had given notice. I think it is a very desirable thing that we should extend to the United States the courtesy of joining with them in a commission to inquire as to the best method of improving the transportation facilities between the east and the west. That would be an act of international courtesy which I think we might very well show to our large neighbours. The hon. gentleman devoted the greater part of his speech to a matter which was germane to that, but one which would hardly be expected to come up on a notice of this kind; and he gave utterance to opinions in the course of that portion of his address with which I cannot concur at all. I feel that to a certain extent it is the duty of members of this House, when propositions are laid down involving very important interests and very great expenditure, with which they do not concur, that they should express their want of concurrence. Notwithstanding what the hon. gentleman said about the Erie canal, I am satisfied, although I have not the statistics at hand, that the proportion of freight which is carried over the Erie canal has become very much less of late years as compared with what is carried by railways. Notwithstanding the hon. gentleman's statement with regard to the cheapness of water transportation, that goes to show that perhaps the canals would not do such an immense business as he thinks they would, even if they were deepened.

Hon. Mr. BOULTON—I stated that the Grand Trunk railway and the Canadian Pacific railway hauled 170,000 tons in 1893, and the canals 532,000 tons in the same year.

Hon. Mr. POWER—From where?

Hon. Mr. BOULTON—From the west, delivered in Montreal.

Hon. Mr. POWER—The country at any rate, as far as I am aware, has received very little revenue from the canals. The hon. gentleman seemed to think $50,000,000 was a mere bagatelle.

Hon. Mr. BOULTON—If the United States finds four-fifths of the money the objection disappears, so far as we are concerned. It is proposed that the United States should bear its proportion.

Hon. Mr. POWER—Now the hon. gentleman brought up one point which has been very much dwelt upon at various times since confederation—this question of furnishing a waterway by which ocean-going vessels can reach the head of Lake Superior. It would be a very desirable thing, I have no doubt, if one could load a steamer in Liverpool and bring her up to Duluth or Port Arthur, but with respect to the transportation of grain, even supposing that the canal were enlarged to a capacity of 20 feet, it will be found on the whole more advantageous to tranship grain at Montreal than to carry it through to Europe without transhipment. The navigation through the canals, even if they were deepened, and through the lakes, is of a totally different character from ocean navigation, and the great steamers which are used on the ocean would not find it convenient to ascend through the locks and canals; I think the hon. gentleman said that the cost of transhipping grain at Montreal is not more than ½ cent a bushel. I am informed by the hon. gentleman on my right—who is an authority on that subject—that the transhipping of the grain *en route* benefits the grain by airing it, and that it reaches England in better condition when transferred from the barge to the ocean-going vessel than if it did not get the air at all. And I am satisfied that the transhipment at Montreal involves less expense on the whole than carrying the grain from the head of Lake Superior in an ocean-going steamer.

The hon. gentleman gave us the cost of deepening the canals, but I do not think he gave us the cost of deepening the river. The cost of deepening the St. Lawrence River to a depth of twenty feet is an unknown quantity. The hon. gentleman's estimate of the cost of deepening the canals is $50,000,000. I understand he bases his figures on estimates made by engineers. Our experience in constructing canals as well as other public works in this country, is that the actual cost has very largely exceeded the original estimates of engineers. I am not a prophet, and I hope that in this matter there will never be any occasion to see whether my prophesy is correct or not, but I should be prepared to prophesy that the deepening of the river and canals to a depth of twenty feet, from Quebec to Lake Superior, would cost $100,000,000.

Hon. Mr. BOULTON—What do you base your calculation upon?

Hon. Mr. POWER—I base my calculation largely upon what actual work has cost. When the hon. gentleman finds how much it has cost to deepen short canals from 9 feet to 14 feet, he can form some estimate of the enormous expense of deepening all the existing canals to 20 feet and the River St. Lawrence besides. I am satisfied that $100,000,000 would not do the work. The hon. gentleman has not shown that the people in the North-west would get their grain carried to England any cheaper under that system than under the present system. The very trifling expense of transhipping from barges to ocean-going vessels would be more than made up by the additional cost of the steamers, and then there is the improvement of the grain besides. I do not propose to go any further into the question. I simply utter a brief protest, having got as deeply into debt as we have, against going into an enormous additional debt for an advantage which is only very problematical.

Hon. Sir MACKENZIE BOWELL—We have listened to a very interesting speech from the hon. member from Shell River upon the question of the trade of the country and the deepening of the waterways. I shall confine myself to one remark in reference to the decrease of the registered tonnage of the country. I shall not attempt to deal with the figures given to the House, for two reasons: first, I am not prepared to dispute the accuracy of the figures that he has given, and second, because I have not the figures

by me. It should be remembered when we speak of the decrease of the registered tonnage of the country, that it is no indication that the trade of the country is in any way falling off. In fact, my hon. friend proved beyond a doubt, from the figures that he gave us, that the trade of the country has increased and is increasing enormously every year. Ships at the present day are built of iron and steel; formerly they were of wood. One vessel will carry to-day as much as 7 or 8 vessels carried 20 or 25 years ago in the way of freight. Again, at the present day all the Allan line of steamers and other great ocean-going vessels are registered in England instead of Canada. Formerly they were registered in Canada and this has lessened the registered tonnage of ships owned in Canada. There are reasons which I could give why this is done, but I am afraid I should be putting another very strong argument in the hands of my hon. friend here when he next addresses the House against the National Policy. I do not propose to furnish him with any more powder than is necessary for him to ignite upon the next occasion when he addresses the House, but I am sure he will admit the force of what I have said in regard to the apparent decline in the registered tonnage of the country. I may inform the House that it is the intention of the government to act in conjunction with the United States in this matter of investigating the waterways of the country, and the best mode of increasing the facilities for the transportation of grain and other articles from the west by water. It is not proposed here, however, as it is in the United States, to appoint three persons independent of the government. Our proposition will be to take two capable engineers now in the employ of the government so that there will be no expense attending it beyond their allowance for travelling while on duty.

Hon. Mr. POWER—Does the first minister think that that would be courteous to the United States? They are appointing men of a different stamp altogether.

Hon. Sir MACKENZIE BOWELL—I am not aware that we have engineers on our staff that are not quite as able to deal with a question of this kind as any independent gentleman that may be appointed in the United States. It does not follow, because the United States thinks it proper to employ other than those upon the staff of engineers, that therefore we should follow their example. I was about to say, when the hon. gentleman interrupted me, that it is proposed to appoint some gentleman other than those who are upon the staff as the third person, but not upon a salary. His expenses will be paid, and he will be treated in the same manner as the Americans treat their commissioners. I hope that will be satisfactory to my hon. friend—two of our most eminent engineers, now in the employ of the Government, and an independent gentleman outside of the government service, who has given attetnion and study to this question. We have a gentleman in view who will be quite capable of filling that position and quite equal, I think to any gentleman who may be appointed by the United States. With that explanation, I hope my hon. friend will withdraw this motion and not ask the Senate to commit itself to its terms, because it might be considered as not strictly within the rules, that is if the motion would involve an expenditure of money. That would rule it out, but I am not so sure, on reading it the second time, whether it would come within that rule. It is a mere expression of opinion, a suggestion, as it were, to the Government that if they thought proper to appoint this commission the Senate would be in accord with them.

Hon. Mr. BOULTON—I am very glad to hear from the hon. leader of the government a reason given for the falling off in the average tonnage and the registered tonnage. It is unfortunate that it does not appear in the statistics, because the figures, without the explanation, are misleading. I am very glad that the falling off is more apparent than real. I quite appreciate what the hon. leader of the government says that it is possible, as this involves a question of expenditure, that it would not be wise for the Senate to deal with it, and therefore, with the permission of the House, I shall be very glad indeed to accede to his request and withdraw the motion.

The motion was withdrawn.

## THE PROROGATION OF PARLIAMENT.

### INQUIRY.

Hon. Mr. POWER—Before the Orders of the Day are called, I should like to ask

the first minister when he thinks Parliament will be prorogued.

Hon. Sir MACKENZIE BOWELL—It would give me immense pleasure if I were able to inform the hon. gentleman. It will depend altogether on the action of his friends in the other House. If they continue to waste every day in debating motions of want of confidence, it is impossible to tell when we shall be able to prorogue; but at present, I do not see any prospect of it from the fact that they have been giving time and attention to this House, condemning the government for not having filled up the vacancies in the Senate, and at the same time declaring that the Senate was no use. Now they are making an attack, I believe, on the government because we have allowed some of the governors to remain in office longer than they think it advisable. Next day I anticipate a want of confidence motion with reference to the Manitoba school question—in fact, two want of confidence motions, one on each side—so you may have the pleasure of remaining here until a week from Monday. If the hon. gentleman can induce his friends to cry halt, I will guarantee him that the legitimate business of the House will be put through very rapidly and he can go home and enjoy his own fireside.

Hon. Mr. POWER—The hon. gentleman knows, from his own experience, that it is not easy for members of this House to influence members of the other House.

## MARKLAND MORTGAGE BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (136) "An Act respecting the discharge of a mortgage to Her Majesty known as the Markland Mortgage."

(In the Committee.)

Hon. Mr. POWER—This is a rather unusual power given by this bill to the Finance Minister. It enables him to discharge the mortgage

On payment of such part of the purchase money now remaining unpaid as the Minister of Finance and Receiver-General see expedient in the public interest and either with or without interest and on such other terms and conditions as are agreed upon.

I think Parliament should have some idea as to what the terms are, because under this provision the mortgage might be released upon the payment of $5 and I think there is a large sum due.

Hon. Sir MACKENZIE BOWELL—The hon. member from Ottawa, when I proposed to give the information which is asked for just now, intimated that he was acquainted with the facts, as was also my hon. friend, who is not now in his place, from Kingston, and therefore they said it was not necessary for me to explain it.

Hon. Mr. POWER—I only want to know who is the owner of the property now, and about what amount the government proposes to take off the debt.

Hon. Sir MACKENZIE BOWELL—Perhaps I had better read an extract from the report of the Committee of the Privy Council approved by His Excellency on the 13th March, 1895. It will probably give the information that the hon. gentleman seeks :

On a report dated 4th March, 1895, from the Minister of Finance, stating that on the 20th of January, 1862, the crown sold at auction certain property in the city of Kingston vested in the crown under a certain mortgage given by the Hon. George H. Markland, and dated 9th October, 1858.

That the aggregate amount for which the property was sold was $7,480.00 on account of which the sum of $1,245.75 had been received.

The Minister further states that during the session of 1888 the papers in connection with the Markland mortgage were submitted to the select Standing Committee on Public Accounts who reported to the House (copy of such report annexed) recommending that the mortgage should be discharged and the properties conveyed to the persons entitled thereto without further payment on condition that they give a release of all claims arising from erroneous description of property or otherwise.

That such report was concurred in by the House of Commons, but no further action was taken by Parliament. That offers have been received for the payment of a portion of the unpaid balance of the purchase money in discharge of the claim of the Crown, but he (the minister) has been advised that to effect a compromise requires the authority of Parliament.

It is giving power absolutely to the Finance Minister to settle this long outstanding claim, and obtain as much as he can, or what he thinks is equitable and just. No sum of money is mentioned that is to be received.

Hon. Mr. POWER—The name of the purchaser is not mentioned.

Hon. Sir MACKENZIE BOWELL—The report of the Committee on Public Accounts will give you that :

Your Committee have had under consideration certain papers respecting the Markland mortgage, in the assets of the Dominion which form part of the Consolidated Fund Investment Account, referred to on page XII of the said Public Accounts. under the heading "Sundry Investments"; that it appears from the papers produced that in May, 1893, the Hon. George H. Markland being indebted to the Indian department in the sum of £1782 gave a bond for that amount to the trustees for the Six Nation Indians, and in October, 1858, gave a mortgage to the crown on certain properties in the city of Kingston to secure the same amount and in 1862 conveyed to the crown his equity of redemption.

In fact, it is a mortgage given by Markland to cover a deficit of his while he was trustee for the Six Nation Indians. The mortgage has been standing since 1858, and is considered a worthless asset, and it is thought better to get as much out of it as possible and wipe it out.

Hon. Mr. BOULTON, from the Committee, reported the bill without amendment.

The bill was then read the third time and passed.

## DOMINION ELECTIONS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a committee of the whole on Bill (68) "An Act further to amend the Dominion Elections Act."

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—This bill is simply to correct an error which at present appears in the election law. In the redistribution of the constituencies in British Columbia, Yale and Cariboo were united. Under the old law the election in Cariboo was fixed at a later date than the elections in the other portions of the province. There is no provision, however, made for the addition which has been put to it of Yale. It has been thought, with the present facilities for reaching the different sections of that portion of British Columbia, that it might be placed among the other constituencies where the elections are held on the same day, so that the election for the united electoral district of Yale and Cariboo will be held simultaneously with the other elections. Provision is also made for the nomination and polling days in Gaspé, Chicoutimi and Saguenay. Another clause provides that the Act shall take effect only upon the dissolution of the present Parliament. That is necessary in case there should be a by-election in the electoral district of Cariboo or Yale.

Hon. Mr. DEVER, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## ROAD ALLOWANCES IN MANITOBA BILL.

THIRD READING.

The House resolved itself into a Committee of the whole on Bill (114) "An Act to amend the Act respecting roads and road allowances in the province of Manitoba."

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I explained to the House last night the purport of this bill. It simply transfers certain road allowances which are now the property of the Dominion where they have been laid out in those sections of the country where the land belongs to the Dominion, instead of to the province and it has been thought better that these road allowances should be transferred to the local government and placed under the management of the municipalities of that province rather than have them under our purview and to be looked after and managed by us. That is really the whole purport of the bill, excepting one clause transferring certain lands in Winnipeg which are now the property of the Dominion to the city of Winnipeg, and giving power also for the closing of roads on the lands transferred and the opening up of colonization roads, and when these roads are opened in the colonization portions of the territory, they are to be transferred to the province and not retained by this government. The province or the municipalities under those circumstances could have to maintain them. The last clause provides that nothing in this Act shall affect any right or claim set up in any action now pending in a court of competent jurisdiction.

Hon. Mr. POWER—Why are the two clauses 4 and 5 almost identical.

Hon. Sir MACKENZIE BOWELL—One transfers to the government those trails and roads which have been reported upon; the other refers to trails, roads and bridges which may be reported upon, thereby giving the power to transfer the whole of those trails and roads to the city and to the province.

Hon. Mr. MACDONALD (P.E.I.), from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## SUPERANNUATION OF JUDGES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (129) "An Act to amend the law respecting the superannuation of Judges of Provincial Courts."

The bill was read the first time.

Hon. Sir MACKENZIE BOWELL moved the second reading for to-morrow. He said: This bill provides that the vice-Admiralty and Marine Courts of Ontario shall be deemed Superior Courts in order to bring them within the technical meaning of the law as it stands upon the statute-book at present. There is some doubt as to their status, although it was always intended they should have the same rights and privileges as other judges.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, 15th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE VACANCY IN THE CABINET.

INQUIRY.

Hon. Mr. McINNES (B.C.) rose to

Call attention to the vacancy in the Cabinet, and to inquire of the Premier if it is the intention to fill up the vacancy by appointing a representative from British Columbia?

He said:—It is less than a month ago since we had the subject of representation of British Columbia in the Cabinet discussed in this Chamber, and it will be remembered that the First Minister, in reply to my hon. colleague and myself, gave as his reason for having no such representative in the Government, that there was no vacancy in the Cabinet and no vacancy could be created unless one of his colleagues was turned out. Doubtless when he made that reply he had no idea that it would be only a very few days until, owing to the policy of drift and shilly-shallying that he has pursued, no less than three vacancies occurred in his Cabinet. It is true that two of the seceding members of his Cabinet have returned to the fold, but one of the three has absolutely refused to be lured back by any childish nursery promises of another session and remedial legislation which even the First Minister himself, I believe, must know will result in utter failure and when he must know that those promises and pledges cannot be fulfilled. The course of the ex-Minister of Agriculture must commend itself, I submit, to every unbiassed mind in the land, however much one may differ from him in his views on the question that led to his resignation. Once having resigned, honour and dignity forbade him return and he deserves credit for having refused to return to that discordant and unsavoury combination that he has left. Probably I shall be told that the present vacancy in the Cabinet is a Quebec one, and that it is to be filled by a gentleman from that province. Here I would remind hon. gentlemen of what the First Minister said a few days ago, when he spoke with reference to the selection of Cabinet Ministers. He stated that he hoped the day was near at hand when provincial distinctions would be entirely overlooked or ignored in the selection of Cabinet Ministers, and that other qualifications would be regarded. The qualification that he emphasized was the amount of party service rendered by gentlemen to entitle them to positions in the Cabinet. I submit, and the hon. Premier and every hon. gentleman in this House must know, that, unfortunately, for the best interests of British Columbia, her representatives in Parliament have been most faithful and even slavish supporters of the policy of the present government, and if party services are to be taken as the best

qualification for a Cabinet position, according to the First Minister's doctrine laid down a short time ago, then I claim that no representatives from any portion of this Dominion are better qualified than the members from British Columbia other than my two colleagues here and myself. I shall not, at the present time, enter into details showing that British Columbia is entitled to representation in the Cabinet. That has already been done on more than one occasion during the present session of Parliament. I content myself by saying that British Columbia has at the present time a larger population than the island province in the Gulf of St. Lawrence; that she contributes to the Dominion treasury more than eight times the amount that that province does, and contributes more than the province of New Brunswick, or the province of Nova Scotia—in fact, that she stands third among the provinces of this confederation in her contributions to the revenue. Notwithstanding that, the little island province has had no less than three representatives in the Cabinet since she became a member of the confederation about twenty-two years ago. During the Mackenzie regime the Hon. Mr. Laird was her representative in the Cabinet. During the Macdonald regime the late Hon. Mr. Pope occupied a position for many years, and now we have the Hon. Mr. Ferguson in the Bowell Cabinet. More than half the time since that province became a member of confederation she has had a representative in the Cabinet. The province from which I have the honour to come is an older member of the confederation than the province of Prince Edward Island, and never yet has she had that common justice done to her to have a representative in the Cabinet. The province of Nova Scotia has had continuously since confederation two representatives in the Cabinet; New Brunswick has almost continuously been represented by two representatives in the Cabinet; Manitoba, I am happy to say, of late has had a representative; so had the North-west Territories for a short time. I do not grudge Prince Edward Island her representative; I think it is only right and proper she should have one, but I am forced to make the comparison that I have just stated, and say that if she is entitled to a representative in the Cabinet, British Columbia has much stronger and greater claims to such representation. The area of the Pacific province is eight times as great as that of the combined area of the three Maritime Provinces.

Hon. Mr. DEVER—It is all rocks.

Hon. Mr. McINNES (B.C.)—Those rocks are not barren rocks; they contain precious metals that probably may be more valuable to this country than broad acres of fertile land.

Hon. Mr. KAULBACH—In the sweet by and by.

Hon. Mr. McINNES (B.C.)—She has twice the area of the province of Quebec and double the area of Ontario, and she has four times that of the province of Manitoba. Moreover, British Columbia is thousands of miles distant from the seat of government, which of itself makes it necessary that she should at all times have a representative here to look after her vast and varied interests. That ought to weigh and weigh very considerably, with the Premier in giving her a representative in the government. The Dominion has about three and a half million square miles, and of all that enormous area, only one-seventh is represented in the Cabinet at the present time. I submit that that is an injustice which should be rectified at as early a day as possible. Let the Government for once give a measure of justice to the Pacific province by filling the vacancy with one of our representatives. Rest assured, hon. gentlemen, that that province will not remain pacific unless her interests are respected in the direction that I have indicated. Of the seven provinces comprising this Dominion, she is the only province for whom the Government has persistently refused to do anything like justice in giving representation in the Cabinet. Why this state of affairs should continue I am unable to understand, but I hope that even at this late hour the Government will take one of our representatives into Her Majesty's Privy Council for Canada.

Hon. Mr. MACDONALD (B.C.)—I supposed I may be expected to say a few words on this subject, the matter having been brought to the attention of the House and the Government on this occasion, but my motto is—and I think it is a correct one—that having once dealt with a subject I have nothing more to do with it for the session. I have done my duty to the House and to the country, and I think the House will

agree with me in that. I am glad this matter has come up for this reason; it gives me the opportunity of saying that I regret exceedingly Mr. Angers's withdrawal from the Cabinet. He has always been a gentleman who has been courteous to members of the Senate, and we will regret that he is not in his former position. I regret still more the step he has taken, because I do not think it has been a wise one for himself or in the interest of the country. He has not been quite patriotic. He has allowed other than public considerations to influence his judgment. I think the step he has taken is not conducive to the harmony and future peace of the country. It may strengthen the hands of fanatics who fan the flames of discord in this country. My hon. colleague who has asked this question and myself have been in harmony on two subjects this session; on this question of representation in the Cabinet, and on the British Columbia Penitentiary matter. On this occasion the hon. gentleman did not consult me; there is no reason why he should. We have not consulted on any of those questions, but we happened to be in harmony on the two subjects which I have mentioned. I regret that he has brought forward this matter now, because I should not have alluded to it. I think this is not the right time or place to mention a matter which is now occupying the attention of the Premier, who promises to give it his consideration and there I am willing to leave it. With regard to the subject itself, I think I can see in the face of the hon. Premier a great deal of anxiety to answer this question in the affirmative. I think I can see that beaming on the hon. minister's face. Perhaps he will excuse me on this occasion if I take him into my confidence and advise him not to reply in the affirmative, but to wait patiently for the happy time in the future to which he looks forward when provincial boundaries shall be obliterated so far as appointments to cabinet positions are concerned, and men shall be taken into the Government solely because they are fit for the position. I ask him to wait until those times and not do anything hasty now.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman who has put this question will, when he has the honour of being sworn of the Privy Council, learn that he must take a solemn oath not to divulge any of the advice which he may deem it his duty, in the interest of the country, to give to His Excellency. Just as soon as I have made up my mind as to the party whom I shall recommend to His Excellency to fill the vacancy created by the resignation of the late Minister of Agriculture, and His Excellency has approved of the choice, I shall have very great pleasure in disclosing the name for the information of the hon. gentleman and of the public generally. Under the circumstances, he will see that his question is highly improper and could not be answered. I do not propose to comment on the flippant manner in which he spoke of the position of the government—its "shilly-shallying," its "childish and nursery promises" or that "discordant and unsavoury character" which he says pervades the Cabinet of the Dominion. What he means by that last expression I will leave to him to explain. I can only account for the use of such language from the fact that he has been in the habit of smelling the rotten fish on the shores of the Fraser River, and his familiarity with that odour has suggested the expression that he has used. Having said that much, I desire to call attention to a misapprehension which appears to have arisen with regard to some remarks that I made the other day, when I jocularly said that I should be delighted, "and so should my hon. friend from Victoria when he gets on this side of the House and has his friends in British Columbia, etc." When I used the words "my hon. friend from Victoria" I had no reference whatever to the hon. gentleman who has just taken his seat. The party to whom I referred was the Senator, who as I supposed represented New Westminster. I find, however, in looking over the list of Senators that that hon. gentleman claims to be the representative from Victoria. My own impression was that the Hon. William John Macdonald was the Senator from Victoria, and the Hon. Thomas R. McInnes the representative from New Westminster, and they have been so designated in the past. In future I shall be more careful when I refer to either of these gentlemen them to use the word in such way that there can be no possible mistake, because I had no intention of insinuating that the hon. gentleman from Victoria, who, I supposed meant the Hon. Mr. Macdonald, had any such intention as the remark would indicate, nor did I intend the facetious re-

marks to apply to him. I make this explanation in justice to that hon. gentleman, because I know a misapprehension exists in the minds of some on that point. I do not know how the parchment that the hon. gentleman (Mr. McInnes) holds describes his residence or whether any particular section of country is designated. This is a matter which should be inquired into in order that there may be no mistake when Senators address each other in future as to whom they really mean. I wish it to be distinctly understood that when I refer to the hon. gentleman Mr. McInnes, I shall designate him as the hon. gentleman from New Westminster.

Hon. Mr. McINNES (B.C.)—I live in Victoria at present and have lived there for five or six years.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman was not in Victoria when he was appointed.

Hon. Mr. McINNES (B.C.)—There are no senatorial divisions in our province.

Hon. Sir MACKENZIE BOWELL—There are five or six Senators who live in Toronto, and they never arrogate to themselves the right to be designated "the Senator from Toronto."

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear the hon. gentleman's explanation. If he had spoken of me, I should have treated the remark as a jest, for it is well known that during the 17 years that I have been in this House I have been a steady supporter of the Conservative Government and of the National Policy and I shall continue to support them until I find a better party with a better policy.

Hon. Sir MACKENZIE BOWELL—When I used the expression it was in sarcasm, because I can never contemplate the day when the hon. gentleman shall cross the floor and take our place.

## CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (130) "An Act further to amend the Civil Service Act."

He said: There are not many changes in the proposed bill. The principal changes made by this measure are to simplify the law and in the line of economy in the future. They provide for the abolition of what are termed third class clerkships and the adoption of the system which prevails in England in the different departments, more particularly in those large departments that require a great number of writers. Instead of placing clerks in the third class upon the permanent list, they will employ what are known as writers. The complaint has been in the past—and I think the complaint is well founded—that having too many on the permanent Civil Service list, with the present law in force giving them an annual increment of $50 per annum increases the expenditure of the Civil Service to an extent that is unjustifiable. Hence we propose in this bill to adopt the English system. When a writer is found to be adapted to the work which he has to perform and a vacancy occurs in the second class clerkships, then he can be appointed to the position of a second class clerk, and the salary fixed for the second class is $800 to begin with, instead of $1,100. Having been placed on the permanent list, the annual increment will apply to him as it does to the civil servant at present until he reaches the maximum. The subsequent clauses of the bill are simply changes in order to make the balance of the Act comply with the repeal of the section which gives the power to appoint third class clerks. This is about the principle of the bill. My own impression is that it will result in the long run in a great saving to the country. When the young men or women who are employed can do better than being only writers, they will occupy the same position as a lawyer's clerk, or as an employee in any office or mercantile establishment. Those writers can at any time leave and enter into any other vocations of life for which they think they are fitted and where they can do better, but where they commence as civil servants with $400 per annum they look upon it as a permanency for life and scarcely ever attempt to go outside or enter into other business, but take their chances of promotion as opportunities present themselves and have their increase in salary until it reaches a certain sum. On the whole the principle is one of which I have personally been in favour for some years, and I think it will benefit the service as well as the country.

Hon. Mr. MACINNES (Burlington)—I am very sorry to see this amendment of the

Civil Service Act. I regret also that the Government have not seen their way clear to make more comprehensive changes in the law relating to the Civil Service ; moreover, this amendment has a tendency to relax the provisions of the present Act. I have taken a very great interest in the service ever since I was a commissioner for the Government. I am aware that the subject of Civil Service reform is not very acceptable to the majority of the members of Parliament, but I thought a brief résumé of the efforts and attempts which have been made from time to time to introduce the merit system into the Civil Service of Canada might have the effect of awakening a greater interest in a subject which, in my opinion, is of vital importance. We have a most remarkable example of the effect of the merit system on the Civil Service of Great Britain. In 1855 the merit system was adopted in that country. Up to that period the service was a most defective one. It has since been gradually extended and improved to the present time, and the service is now a model of excellence. Other nations are following the example of Great Britain. The United States are adopting it and extending it to various departments of their service. Two commissions have been appointed for the reform of our own service. The first was appointed in 1881, and the second in 1891. It may be in the recollection of hon. gentlemen that grave irregularities were discovered in the inside service, which led to the appointment of the commission of 1891. I drew attention to these irregularities by notice of motion, and I think it will not be uninteresting to the House if I read what took place on that occasion. This is the notice of motion which I presented to the House at that time.

Whether in view of the irregularities and violations of the "Civil Service Act" recently discovered, it is the intention of the Government to institute an investigation by commission or otherwise, as may be deemed expedient to serve the better administration of the Civil Service, and prevent the recurrence of similar irregularities to those which have been lately brought under the notice of Parliament.

Speaking on this motion I said : The problem to be solved, then, is how to secure the better administration of the service and to prevent a recurrence of similar irregularities and to increase its efficiency. It may be of some interest to the House, if I refer to the various attempts which have been made since Confederation to improve the organization, efficiency and general administration of the service. An Act was passed in 1868 and a commission appointed, which submitted a scheme for the reorganization of the service, but it was never fully carried out, as the Act did not contain the necessary clauses under which the rules recommended could be enforced. In 1875 a bill was introduced by the Government, which, however, did not become law. In 1877 a committee of the House of Commons was appointed to inquire into the conditions of the service, but no legislation resulted, and the service continued to be administered under this Act of 1868 until 1882, when the Civil Service Act of that year was passed and is the Act under which the service is at present administered. A commission was appointed under an Order in Council dated 16th June, 1880. I was a member of that commission and had the honour of being its chairman, and Mr. Griffin, the present Librarian of Parliament its secretary. The commission issued its report in March, 1881. The recommendations made in that report were not fully carried out or adopted. We recommended the abolition of political patronage ; open and competitive examination, promotion by merit, and the appointment of a permanent civil service commission ; but these views were then believed to be in advance of public opinion either in or out of Parliament ; but I believe the provisions of the Act of 1882 were at the time abreast of public opinion. The Hon. Sir Alexander Campbell, the then Minister of Justice, leader of the Senate, in introducing the bill, said :

In this particular instance, one or two points which the commissioners considered of great importance (and I agree with them as to their importance) have been for a time, and I hope only for a time, as the Government and the other House have considered, at the moment such as, considering all the circumstances, we can reasonably or with advantage to the country seek to give effect to. One of the cardinal points in the commissioner's report is that the Civil Service ought to be taken out of the hands of the Government and Parliament and placed in the complete control of a body of commissioners appointed by the Crown, and holding office during good behavior, which is the case, I believe, in England, Belgium, France and other European countries.

Sir Alexander Campbell was under the misapprehension that our recommendation was to take the control out of the hands of the government and parliament. Our recommendations were

based on what we found to be the case in other countries. When I addressed the House on the same occasion, I said :

The bill now before us, and which has been so clearly explained by the leader of the House, must be considered as an instalment in the direction of civil service reform. The hon. Minister of Justice has correctly stated that it has not gone the length of the recommendations made by the commissioners of which I had the honour of being chairman.

Amendments were afterwards made in the Act which did not advance or improve its provisions. The irregularities and violations of the Act which have taken place are evidence of the defects of the present system and organization ; and that it has become necessary to take such steps as will prevent their recurrence. What these steps will be is the problem. It may be instructive to take a glance at the civil service system of other countries which are known to furnish examples of excellence and thoroughness. The civil service of Great Britain furnishes such an example. Until the appointment of the commission composed of Sir Stafford Northcote and Sir Charles Trevelyan it was most defective, as ours is at the present time ; but leading men of both sides of politics united in an effort to bring about a reform, and for that purpose the two statesmen I have named, who were on opposite sides of politics, were appointed. The cardinal points of their recommendations were : The abolition of political patronage ; open and competitive examinations ; promotion by merit, and the appointment of a civil service commission. To this commission is deputed, under certain restrictions, the control of all appointments to the Civil Service. These recommendations were adopted and the Civil Service of Great Britain is governed by the rules and regulations recommended by them, and from having been a defective Civil Service has become one of great excellence, furnishing an example to other countries. The civil service of the United States is being modelled on the English system, and of late years has been vastly improved. Their post office department, for example, is a model of excellence. It is within my own recollection when it was a notoriously defective service, but since the adoption of a permanent service commission by which all appointments are made to it, the service has become a model of excellence. The civil service of France and Germany might be cited also as examples. It is my opinion, therefore, that the want of a permanent civil service commission is the cardinal defect in our system, and that the problem would be solved by the appointment of a permanent civil service commission, composed of men selected from both politic parties, to whom would be deputed, under certain restrictions, the control of all appointments to the service, and who would frame rules and regulations from time to time as the needs of the service required and to make annual or semi-annual reports to parliament, as to the condition of all branches of the service, both inside and outside. Should the government deem it necessary to appoint a commission to make a full and painstaking inquiry into the present condition of both the inside and outside services, I would suggest that the members composing that commission should be selected from the best men on both sides of politics, so that whatever recommendations the commission might make would have greater weight and inspire more confidence in the public mind. I have always been of opinion that there should be no politics in appointments to the civil service—that all appointments should be made without reference to politics.

Hon. Mr. MACDONALD (B.C.)—How could the commissioners free themselves from being political ?

Hon. Mr. MACINNES (Burlington)—That would depend upon the men appointed.

Hon. Mr. MACDONALD (B.C.)—Who would appoint them ?

Hon. Mr. MACINNES (Burlington)—Parliament.

There is, I believe, a consensus of opinion, both in England and the United States, amongst those who have made the question a study, in favour of the abolition of political influence in the civil service. I trust, hon. gentlemen, and I have confidence that the government of the Premier, who is also our leader in this House, will adopt such measures for the improvement of the civil service of this Dominion as will make the service an example for other countries to follow.

I will now read you a few extracts from Sir John Abbott's speech in reply to my inquiry :

The question which my hon. friend has proposed is one of vital importance at any time, and is of all the greater interest now, in consequence of the lamentable circumstances which have been disclosed in the committees of both Houses with reference

to irregularities and worse than irregularities, in the civil service in the management of public funds.

Of course the attention of the government has been forcibly called to the subject, and it has been felt to be necessary to come to some conclusion as as to a mode of remedying these evils, and of preventing their recurrence if possible. They have been more particularly occupied in the meantime, in punishing the delinquents, wherever guilt has been brought home in such a way that no further investigation for that purpose is needed. And, while we are all engaged on both sides in both Houses in investigating and ascertaining to what extent, and in what particulars, dishonest conduct, irregularities and peculation have prevailed in connection with the public service, I hope, in so far as the power lies with us, we shall not be found wanting, as those investigations proceed, in punishing properly those who are found to have offended. But besides doing that I hope we shall be able to adopt a system under which those improprieties although perhaps not absolutely preventable, since human nature must always be human nature, may be reduced to a minimum and checked with greater facility than under the present system.

My hon. friend's question, as I understand it, is directed more to that point; and the attention of the government has been directed largely to the point. Of course, the organization of the Civil Service which must obviously be considered to be defective, since it has resulted in such unfortunate circumstances must be taken up as a whole. It is quite impossible for the government sitting as a Council and dealing through its various departments with all the business of the country, to devote of themselves the requisite time and consideration towards a through study of the system and the construction of a complete plan of reorganization, and they have determined that so soon as the session is over —of course, it would be useless to attempt it during the session—to appoint a royal commission for the purpose. And it is the intention of this government that such a commission shall be so composed as to possess the experience and knowledge necessary for the advantageous exercises of of its important functions. For instance, it would probably be composed of three persons, one of whom, it is hoped, we shall be able to select from the Civil Service itself, whose position before the country will be such as will place him practically beyond the suspicion of partizan control; another probably having a judicial character, and a third, probably from among persons having an experience outside of politics, in the management of large numbers of people—a gentleman if possible, who will not have engaged in politics, and will be free from any imputation of partiality on that score; though I do not see why partiality should exist in a matter in which both parties are equally interested. But, if practicably, a person will be selected who is independent of politics and party; and who will have had a large experience in the management of men in a business way. I venture to suggest as my view with regard to the business of the country that probably one of our greatest defects hitherto has been, that the public business has not been sufficiently regarded and treated as the business of a private individual would be. If it were possible and I see no reason to doubt that it is possible, the business of the country should be conducted with the same regularity, its servants should work with the same diligence and its business should be carried on the same principle as in the conduct of the business of an individual. I see no reason why that should not; and I know this, that my efforts will be directed towards the adoption of a system in which the business of the country will be conducted on business principles. It will be my ambition so to do my part of the work of the country while I happen to remain here I am, as to have it regulated, by such principles as these; and I hope by the appointment of a commission, such as I have described, we shall be furnished with a description of a system which will enable us to carry on the work of the country on such principes; and I hope that we shall be able to do so by such means and in such a manner that we shall be spared such unfortunate developements as have occurred during the present session.

He winds up in this way:

If we shall succeed in obtaining from the commission we propose to appoint a sensible and practical scheme for conducting the business of the departments, we have in contemplation the appointment of a person who shall occupy a position similar to that of the Auditor General—that is to say, independent to a large degree of the government or of party.

On pursuance of the promise of Sir John Abbott, a commission was appointed and their report—and it was a very able report —was made to Parliament shortly afterwards. It is very much on the same lines as the report of the commission of which I have had the honour to be a member. I will trouble the House by reading a few extracts from the commissioners' report.

Hon. Mr. POWER—Perhaps the hon. gentleman will first give us the names of the commissioners who were appointed.

Hon. Mr. MACINNES (Burlington)—Mr. George Hague, President of the Merchants' Bank in Montreal, Mr. George W. Burbidge, who is now judge of the Exchequer Court, Mr. E. J. Barbeau, and Mr. J. M. Courtney, the Deputy Minister of Finance. That was in 1891. I will read a few extracts from their report to show what their recommendations were so that hon. gentlemen may be made acquainted with their views. It says:

In 1880 a second commission was appointed to investigate the same subject, and in their report the commissioners recommended the adoption of the essential principles of open competitive examinations and promotion by merit as an effectual remedy for all the important defects of the system then in vogue. Following this report a new Civil Service Act was passed in 1882 which provided for examinations to test the qualification of candidates for positions in the public service, and also for examinations of candidates for promo-

tion. This Act, although not going so far in its provisions as was recommended by the commission, has been amended year by year, with one exception, from the time of its being first placed on the statute-book until the year 1889, and so far as the commission had been enable to observe, the amendments in general have tended in the direction of the relaxation of the provisions of the original Act, and the consequent prevention of its intention from being carried out.

It seems proper at this point to refer to the experience of the motherland in regard to the civil service, it being found by experience that the same difficulties which have attended the working of the civil service of Canada have been developed there also. Consequent upon the report of a commission appointed in 1853, recommending the adoption of the principle of open competition as founded upon the principles of justice and favourable to the education of the people, a new system was introduced in 1855 by the appointment of the civil service commission of the United Kingdom, consisting of three, of whom one (the chairman) is a Privy Councillor, appointed during pleasure, and upon this commissioners were conferred large powers in respect to the examination of candidates to the civil service. Only limited competition was at first introduced, as moderate changes were thought most prudent. After five years, experience of the new order of things a parliamentary investigation into the new system was held in 1860, and the report of that body approved the appointment of the civil service commission, and advised the steady advance towards open competition, a principle which was ultimately adopted in 1870. In the parliamentary and executive investigation of 1873 and 1874, the principle was again approved and its operation extended. The executive commission of 1874, otherwise known as the "Playfair Commission," from the name of its chairman, Sir Lyon Playfair, lasted for several years and had three separate reports. In 1886 another commission was appointed to inquire into the establishment of the different offices of state. The first and second reports of 1887 and 1888 have proved of benefit to your commissioners in their inquiry.

The value of the English system under open competition has been dwelt on fully in an able and exhaustive work on civil service in Great Britain by the Hon. Dorman B. Eaton, first commissioner of the civil service of the neighbouring republic, and from his work the following may be quoted as the opinion of a permanent secretary of the treasury :

"Under competition you have no patronage, and there is, therefore, no motive to increase establishments beyond the strength which is acquired for the work they have to do ; on the contrary, there is a very strong motive in the departments themselves to keep the establishments down, so as to have the credit of economical estimates." In speaking of the introduction of open competition in the India Civil Service, Mr. Eaton states that "the explanation of course, is, that British statesmen have long since found that common justice and the exclusion of partisan tests in selecting civil servants are essential for securing those most successful, and they have had patriotism and independence enough to act upon their convictions of duty even in a foreign province. Those declarations appear not to have been mere professions, for in the final order made in 1876 for the permanent establishment of open competition as the sole means of entry to the Indian Civil Service, it is provided that during the two years of special study which are to follow success in the competition, the sum of $750 a year is repaid to each successful competitor, thereby enabling the children of the poor to go on with their preparations for the public service." And of the results of competition his words are : "If I could afford the space I might call attention to particular facts showing that competition has given not merely more bright men of learning, but with physical systems as strong, with characters quite as high, with practical administrative capacity, not less to say the least, than had come into the service under any other system ;" and in summing up the results of the merit-system in the great departments, his words are : "The merit-system, therefore, with its tests of character and capacity, and its claims of justice and principle, against favouritism and protestantship, has achieved a victory over patronage."

I will read a brief extract giving their views on the subject of open competition :

With regard to these recommendations your commissioners have thought it advisable on several grounds to embody the principal of them in the shape of the draft of a new Civil Service Act. They have adopted this course rather than make a number of recommendations for amending the various clauses of the Act, now in force, with the conviction that time will be saved by their views being thus more clearly enunciated in that form. Your commissioners are aware that this is a departure from the ordinary course pursued in similar matters to those which have had under consideration, but under the circumstances they deem its adoption justifiable. The principal recommendations contained in the bill are (1) the appointment of a Civil Service commission and (2) the adoption of the principle of appointment by open competition.

As a final conclusion arising out of their investigation, and after full consideration, your commissioners recommend the appointment of a board, to be called "The Civil Service Commissioners of Canada," to consist of one permanent member as chairman, who has had experience in the Civil Service, with an advisory council to consist of four deputy heads, the whole to be appointed in the manner customary with officers of a superior class. In view of the large proportion of the population who are of French origin, and of the intelligence shown in the position occupied by many of them in the public service your commissioners consider it essential that at least one of the five should be a French Canadian.

The tenure of office of the chairman should be similar to that of the Auditor General. He should possess such precedence, position and powers as would enable him to exercise his functions in an independent manner. With regard to this fundamental matter, it is observed that the system has worked admirably in the mother country, where it has long been in operation. It has also worked well in the United States as far as it has been adopted, and has proved efficacious in correcting many long-standing abuses, and supplying the country with a class of intelligent and industrious

officers to the great advantage of the service, both in the way of efficiency and economy. The system is too well established to need any detailed advocacy from your commissioners, and they recommend its adoption in the conviction that the same beneficial results will follow in Canada.

It is possible that public sentiment in Canada may not as yet be ripe for open competition generally, and it may not as yet be possible to eliminate altogether the power of politics in making appointments; but if the recommendations of your commissioners be accepted and strictly adhered to, the public service at Ottawa will, they are convinced, in the course of a few years, be better for the change. Intelligence and capacity will meet with their due reward, politics and favouritism will cease to dominate, the service will soon become attractive to many persons who now seek other avenues of employment, and in general the title of public servant will be an honour to be coveted. The doors to appointments and promotions in the service will open only to capacity and honesty, and no man or woman who aspires, as all have a right to aspire, to any such position, will have occasion to seek or use any influence less honourable than his or her own merit and fitness for office.

These were the recommendations made by the civil service commission to the present government in 1891, and the report was accompanied by a draft of an Act of Parliament based upon it, but never placed on the statute book. The recommendations contained in the report of the commission of 1881 were almost exactly on the same lines as those in the report of 1891. The recommendations contained in the report of 1881 were partially embodied in an Act of Parliament which, though not going the whole length recommended, is admitted to have been a great improvement and is the Act under which the present service is administered. Amendments have been made to it from time to time which have not been, as stated in the last commissioners' report, improvements, but have tended to the relaxation of some of its provisions and the consequent prevention of its intention being carried out. The report of the commission of 1891 has been a dead letter, at all events so far as any action on the part of the government is concerned. I believe also that it has remained unread, so far as a great majority of the members of Parliament are concerned, so little interest is taken in this very important subject. I trust, however, that the reforms required in our civil service will ere long be accomplished. If the recommendation cannot be applied to the whole service, why not take a leaf out of our neighbours' book and apply it to some of the departments of the inside service, and then go on and apply it gradually to the service throughout? Give it a fair trial and I am perfectly satisfied that the result will be most beneficial to the country. The amendment contained in the bill now under our consideration has the same tendency as that alluded to by the commissioners in their report of 1891, and from that point of view is most objectionable. A good deal has been said from time to time with reference to the employes of the civil service. They have been very unfairly criticized. Members of Parliament who prefer the flesh pots of a paltry patronage to a real reform of the service indulge in much unmerited abuse of the service. If a greater number are employed and there is a redundency of employees in the service that is surely not their fault: the fault is in the mode of appointement. The fault must be in the manner of their appointment. If there are three men appointed where two would do the service, surely it is not the fault of the employees. I believe there are at the present moment in some departments three men where two could do the work. In fact, we all know that too many officers and too many servants are a detriment to the prompt and proper performance of the work. The question of the expense of the service has been often dwelt upon; but it must be remembered that, as the country grows in extent and population, the expenditure must increase somewhat. My own opinion is, that the expense ought not to keep pace with the growth of this country. If you can get two men to do the work instead of three, and do it more efficiently, that surely will not increase very much the expense to the country. With reference to the Superannuation Act which has been in vogue for many years for the purpose of providing pensions for civil servants when they cease to be able to perform their duties the Act has not worked satisfactorily because the original intention has been departed from by reason of partisanship and favouritism, which if the recommendations of the report of the commission were adopted could not occur. In England the government takes upon itself to provide pensions for the servants when they cease to be able to perform their duties. If our government can see its way to follow this example and if the number of employees are reduced in the proportion of 3 for 2 their remuneration might be increased so that they

could afford to submit to a compulsory reduction sufficient to provide a fund from which pensions could be paid to themselves and families. A Government Insurance Act was passed I think last session to insure the lives of civil servants and I understand it is being availed of in numerous cases. The Act is a most commendable one, and under it civil servants can make provision for their families. The Superannuation Act only makes provision for payments under it to civil servants during their life-time. It has been stated here, I think, that my recommendation, and the system which I recommended, will not come until the millennium. Well, I am afraid it will not come within the life of the present Parliament, at all events, but I believe that the time will come when the merit system will be applied to the service, and whatever government will first adopt it to the service will deserve, and will gain, the thanks and approbation of the people of this country. Upon an efficient Civil Service the good administration of the government depends, and I hope, therefore, that the time is not far distant when the recommendations which I have so imperfectly made to this House will be adopted. With reference to the bill now before us, as I have already stated, I do not think it is an improvement on the Civil Service Act. You will never improve the Civil Service until you adopt the principles which I recommended in the report. If you adopt those principles, I think probably the reforms or amendments in the bill before us might be of some benefit; but the fact is you simply leave the door open to greater mischief in the way of political and other influences prevailing and appointing people who are not required in the service. Therefore I do not approve of the bill; I wish the Conservative government to get the credit of enacting a comprehensive and proper bill, and let me repeat once more there is no politics in this, as far as I am concerned. I do not believe in politics in the Civil Service; they should be excluded entirely from the service, and I feel myself under the obligation of moving that this bill be not now read the second time, but that it be read the second time this day six months.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman has given so much attention to this matter, I should like to ask him a question. I am sure the matter has not escaped his attention. Has he ever thought there should be some tenure of office, some permanency of civil servants, who have served a certain number of years, or until they came to a certain age, or during their good behaviour; whether there should not be a permanent tenure of office?

Hon. Mr. MACINNES (Burlington)—They have it now. They are appointed now, and as long as they perform their duty faithfully, it is a tenure of office which is not likely to be abused in any way. I do not understand what else could be done.

Hon. M. POWER—I presume what the hon. gentleman from Victoria (Mr. Macdonald) refers to is the uncertainty of tenure which is caused by the summary removal of employees from service by the method of superannuation. I am very much pleased, indeed, that the hon. gentleman from Burlington has called the attention of the House to t' is measure, and to the whole subject of the Civil Service. He has devoted more attention t› this question of the public service, looked at from the standpoint of Civil Service reform, than any other gentleman in Parliament, and everything he says is w‹rthy of respect and attention. As the hon. gentleman has very properly said, this is a question which does not possess very much interest for politicians pure and simple. I can readily understand that in the House of Commons, where I believe the patronage of each constituency is practically in the hands of the member representing that constituency, if he happens to support the government one would not find an overwhelming desire on the part of the members to deprive themselves of what they regard as a more or less valuable perquisite; mistakenly, I think, because the position of a member of Parliament would be much more comfortable and satisfactory, as well as more dignified if he had nothing to do with the patronage. Members accumulate more unpopularity in their several constituencies owing to the fact that they have to deal with patronage than from almost any other circumstance. A gentleman who has long been dead, but who was in his day one of the foremost men in this country—the late Hon. Joseph Howe—is reported to have said at one time (before he emerged into the larger sphere of Canada) when he was leader

in Nova Scotia, that he would undertake to remain in power for ever if he could only give the patronage to the opposition. It was the dealing with the patronage which gave him all the trouble, and caused all his unpopularity. While that is true of the House of Commons, while we perhaps cannot expect, particularly in such troublous times in a political sense as we are now going through, a great deal of attention to be given to this matter from the point of view of the Civil Service reformer, it does strike me that it ought to be different in this House, where hon. gentlemen are not directly interested in the patronage as a rule, and are, I think, and ought to be interested in the proper administration of the public service. The hon. gentleman has pointed out that the experience of England during the last forty years, and the experience of the United States during the last ten years or so have proved conclusively to any one who has paid attention to those countries that the merit system, the system of non-political appointments to the Civil Service is the best for the country, and not only the best for the country but the best for the representatives and for the people who have to carry on the government. Why should the members of government and of parliament have their minds occupied with contemptible questions about the distribution of small offices, when they ought to be thinking about great measures for the general good of the country ? While I regret to say that I have not myself given very much attention to this subject, I have always taken more or less interest in it, and I was pleased when the government, in 1882, introduced a measure dealing with the Civil Service. I was, as the hon. gentleman from Burlington was, very much disappointed that the measure of that year did not include the system of open competitive examination. I am sorry to say that I do not think the government of that day, any more than the government of the present day, were actuated by any great desire to improve the Civil Service. The introduction of a system of qualifying examinations which were not competitive had just this effect, that, where the government and the members were pestered by a great number of applicants for a limited number of offices, the system of examination weeded out a great number of applicants and reduced the number very considerably, and made it easier for the government and members to make appointments without creating a great deal of ill will. It was a very convenient thing to be able to say to an applicant, or the father of an applicant, " Well, you have to pass the qualifying examination ; we cannot appoint you otherwise, or we cannot appoint your son," and that was about the distance it went. Sometimes a dozen men passed the Civil Service examination for each place that was to be filled, and it might be that the worst candidate who had passed got the appointment. The system was convenient for the government, and it did guarantee that a person who was totally ignorant and unfitted for the position did not get it, but it was not by any means a perfect measure. Then, as the hon. gentleman from Burlington has pointed out, and as the commissioners who were appointed in 1891 point out in their report, the government have been continually tinkering at the Civil Service Act since it was passed in 1882, and the changes have been made in the downward direction, with the view of giving the politicians more control of the service. I look upon the measure which is now before the House as one which takes a very long step in that direction, as I shall try to show. Perhaps it might be well to make an observation with respect to the report of the commission of 1891 before undertaking to deal with this bill at all. The commission of 1891, as has been pointed out by the hon. gentleman from Burlington, was the result of the discoveries made in that year in the Committee of Public Accounts of the House of Commons. Just at that time the government were afraid that very serious consequences were going to follow from the abuses which had grown up in the Civil Service ; and, I take it, that that commission in 1891—while I do not say it was issued in a moment of weakness—was issued under the influence of a temporary fit of virtue, a fit of virtue which arose from the fear of punishment for misdoing ; and as soon as the threatened danger passed away, which had happened by the time the Parliament met next, the fit of virtue had passed away and the report, as the hon. gentleman from Burlington says, has remained ever since a dead letter. Now that report was one which deserved a good deal of consideration from the government. The gentlemen who composed that commission were, I think, all, with possibly one exception, political supporters of the government. They

were men of experience and well qualified to judge as to what the civil service should be. The chairman of the commission was manager of one of the greatest banking institutions in Canada, an institution the business of which is conducted on a method which might form a very good model for the manner in which the government business should be conducted.

Hon. Mr. MACDONALD (B.C.)—Who were the commissioners?

Hon. Mr. POWER—Mr. George Hague, Judge Burbidge, Mr. Barbeau and Mr. Courtney. Now, the hon. gentleman from Victoria wanted to know how the non-political system could be worked here. Well, what has been done in England and the United States, I think could be done here. All that is necessary is to make the examinations open competitive examinations; that removes the political element from the appointment, and it ought not to be difficult to adopt the merit-system in the matter of promotion. The great step is to take the political element from entrance into the service. With respect to this bill, this is not the time to discuss the details. It deals with a matter which was dealt with by the report of the commission of 1891, but not in the line indicated by that report. So far as I am aware, not more than two, possibly only one, of the various deputy heads who were examined by the commission reported in favour of the system which is intended to be carried out under this bill. I think that two out of the large number of deputy-heads who were examined did express the opinion that something like the system of writers that they have in England might be introduced, but with the exception of one witness, none recommended that the third-class clerks should be done away with and that these writers should be substituted for third class clerks. What they did suggest was that the writers may be so substituted to a certain extent—they did not suggest that we sweep away the third-class clerks altogether. This bill proposes to do away with the third-class clerks who hold office in a permanent way and during good behaviour, and substitute temporary writers for them.

Hon. Mr. CLEMOW—It does not affect the present men.

Hon. Mr. POWER—I am speaking of the future. This bill proposes to do away with the appointment of third-class clerks for the future, and to substitute for them men who are employed temporarily; although the language of the bill speaks of their being employed at the rate of $400 a year, which would indicate that their employment is not to be temporary but permanent. They would hold office at the beck of the government, and all the lower grades of the service will be completely under the thumbs of the government of the day. The whole object of the Civil Service system was to take the public servants from under the thumbs of the government, to provide that they should be appointed owing to their qualification, and even though when appointed they were all of one shade of politics, still that while they continued to discharge their duties fairly well, they were safe to be retained in office. The object of this measure is to place all the lower grades of the service back into the old political slough in which they were before the first Civil Service Act was passed, or a worse slough, because I think the politics of the day are even worse than they were before 1882. That is the reason why I object to this measure. I have here the report of the Civil Service commissioners of 1891, with the evidence of the different deputy-heads with respect to this question marked, and as I say I think with about two exceptions they all condemn this proposed change. For instance, Mr. John J. McGee, Clerk of the Privy Council, was asked: "Should there be any third class clerks?"

5. Should there be any third-class clerks at all? If so, what should be the limitation as to salary? Is the present maximum ($1,000) too high? Should there be an intermediate class, ranking lower than second and higher than a third?—Yes; there should be a very limited number of third-class clerks in each department. The maximum salary should be $1,000, and upon the adoption of a competitive examination, the minimum should be $500.

23. Should the temporary clerk or writer class be extended, or limited or abolished?—I am in favour of the employment of duly qualified temporary clerks as exists at present. Temporary clerks should not be treated differently from permanent clerks and should be under the same discipline.

24. Have you given any thought as to the desirability of having a junior division or a boy copyist class?—I am opposed to boy copyists or a writer class, as first, no doubt it would have a tendency to make the permanent staff inclined to loaf, if they knew those could be called in to assist; second, it would be altogether inapplicable in this office on account of the peculiar confidential nature of the work. The "permanent" temporary clerks

as they exist in this office are the most suitable, because they, as well as the permanent men, know if the work is behind that they will be kept in till six o'clock, or later if necessary, on reasonable grounds.

Substantially that is the character of the testimony right through. With two exceptions they all preferred to leave things as they are with respect to this particular matter. The hon. leader of the government, in introducing the measure said that it was proposed to employ a class of writers such as they have in England, but the bill shows that that is not the intention at all. The bill shows that instead of writers such as are employed in England at so much a week, and paid by the week—persons who are employed as they are required and let go again—the proposal is to employ men who, although called temporary employees, are really permanent, that is, permanent until the government think it desirable, for some reason perhaps not connected with the public service at all, to dismiss them. How can you speak of a temporary writer and speak of his salary as being fixed at $400 a year? It shows that really we are to have practically the old third-class clerk, only holding his position at the whim of the government. One of the arguments used by the hon. first minister rather surprised me, coming from the source from which it did. The hon. gentleman told us that under the system which would be likely to arise under this bill the employees of the government, the men employed as writers, would not look forward to remaining in the service, and would be on the lookout for better positions outside. I cannot understand how any business man could consider that a desirable thing. The point is to make the public service a desirable career, not to discourage the man who comes in and lead him to treat the service as a mere stop gap which he is to hold on to until he can find something better. I appeal to the common sense of hon. gentlemen if you are likely to get a good service in that way. Is it not better that the service should be regarded as a career, and that the gentlemen who come into office, if they do their duty faithfully and well, shall be retained and promoted? Fancy one of the large banks conducting a business in that way—a young man being retained under such conditions that he felt it to his interest to look around and get out of the service of the bank if he could get something that would pay better! That is what this bill is calculated to promote. That argument alone is a sufficient reason why this House should not pass the bill. The provisions of the measure are contrary to the recommendations contained in the report of the government's own commission appointed in 1891, contrary to the recommendations of the deputy-heads who should be qualified to know what is best in the interest of the service, and it tends to destroy the public service as a permanent occupation. It is a measure which this House should not adopt. The House would only do its duty by postponing the consideration of the bill until next session—that is the time indicated by the hon. gentleman's motion. We are to be here again in six months we are told.

Hon. Mr. REESOR—The House is greatly indebted to my hon. friend opposite for having so fully called attention to the report of the commission and explained the object of that report. At the same time, I do not fully agree with what he has said. I agree with a great deal of what my hon. friend from Halifax has said. I question very much whether the government themselves really intend to effect a reformation in the appointment and management of the Civil Service, entirely apart from the influence they may exert over their constituents or their constituents over them. Unless they are determined to act in that way, which I cannot learn they have done for a number of years, it is useless almost to pass any bill. On the other hand, I think perhaps it would turn out to be nearly the same way if it were left entirely to a commission. If a commission were created by the government, you may rely upon it the appointments and recommendations for appointment would be such as would suit the views of the government. The commission would be so constituted that it would carry out the views of the government. Human nature is the same now, perhaps, as it has been for thousands of years. When public opinion becomes so strong upon this subject that the government will feel compelled to act upon the principle of demanding proper qualifications for the Civil Service, and limiting the number of appointments to those that are really required, and then carry out what the Premier proposes in this bill—to employ certain writers at times of pressure—I dare say it will be carried out as honestly as other laws

but it must be carried out by a government that desires to reform the service.

Hon. Mr. MacINNES (Burlington)—If you make it the law, the law must be obeyed; the government cannot break the law any more than an individual can.

Hon. Mr. REESOR—It would not carry out the purpose that was intended. People construe the law differently, and all these things must be taken into consideration. However, I am disposed to support the motion to postpone the bill until another session.

Hon. Mr. CLEMOW—I regret, with the member for Burlington, that the government consider it necessary to introduce this measure. We all know that there is a feeling of unrest in the minds of the civil servants at the present time. Whether they have ground for it or not is not for me to say, but I know that such a feeling exists. The Civil Service is composed of ladies and gentlemen of high standing, who are fully qualified to perform the duties of their respective offices. If there is any fault to be found, it is the result of the system itself. I hold that the Civil Service examination is not what it should be—it is not of a practical character. It would do very well for a school boy just out of school; he can tell you the different rivers and mountains of the world and the cities and towns of the various countries, but the examination is not of that practical nature which I think should commend itself to the approbation of the public. If a man wants to enter the Finance Department, for instance, I should fancy the subjects on which he should undergo an examination should be connected with finance. For each department there should be a special examination. If it is the intention of the government to make a complete change and to abide by the reports made in 1891 and 1892, very well, let them do so, and make their decision that way. I have no doubt there are individuals in the public service who are worn out and probably are not suitable for the positions they occupy. I am satisfied that the government for a good many years would be very glad to get rid of the patronage respecting appointments. The Civil Service Act was passed for that purpose, but you find young men coming up in droves, expecting that at some time they will get a position under the government. Any man who passes an examination and gets a certificate considers that he is qualified for a position somewhere, and I suppose at the present time there must be many persons situated that way. You cannot blame the government for that. The Act is in existence and they are bound to recognize those who pass the Civil Service examination. If you change that and make appointments on the competitive system, I have no doubt the government will be glad to adopt it, but it is impossible for any government to act differently from what the present government have done under the existing law. As long as there is a chance of soothing the feelings of a supporter by making an appointment it will be done. I have no doubt when the Mackenzie Government were in power they exercised the patronage as the present government are doing—that is human nature, but at the present time there is a feeling of unrest in the minds of employees, that there is no permanency such as they desire. So far as substituting writers for third class clerks is concerned I think it is better to retain those men and let them have the feeling that their positions are safe. It is better to retain them and cultivate the feeling that their positions are safe so long as they discharge their duties carefully and that they have a chance of promotion in the course of time. These writers, the Premier has told us, would be merely employed from day to day. In commercial establishments the idea of employers is to get men who will be permanent, and it is made a condition that they shall remain a certain number of years for the purpose of giving their best service in return for the training they receive. That seems to me to be common sense. If you had a sufficient number of men employed permanently and make them do the work, even if it were necessary to detain them sometimes until 8 or 9 or 10 at night, it would be better than giving temporary employment to a larger number. In commercial establishments you never hear of a clerk refusing to remain after hours if necessary, and therefore I believe if the permanent clerks would do their work faithfully and well they ought to be able to discharge all their duties without requiring assistance. I have no doubt there are a great many men who do their work faithfully and well in the Civil Service at the present time, but there are others

who do not. On the whole the Civil Service will compare favourably with any other class of people in this country. I suppose they would hail with satisfaction any system by which their position would be made permanent and secure. Permanency is everything. One hon. gentleman has referred to the possibility of establishing a pension fund. I do not know whether that would go down in this country or not. We have a great distaste for that in this country.

Hon. Mr. MacINNES (Burlington)—There is a superannnation fund.

Hon. Mr. CLEMOW—If carried out in its entirety the system is all right. I did not take up any part of the discussion on that subject the other day, because it was on a motion for papers. I do not think it is proper to discuss such a motion until the papers come down; we could then learn why the government acted as they did. I have no doubt they had ample reason for the course they pursued—that is my impression, and I would not take part in the discussion until the papers are produced. If the Prime Minister would remodel the whole system of the Civil Service on the line laid down by the commission of 1891, I think it would be beneficial to the public service and at the same time ensure satisfaction to the public at large. I have no feeling in this matter: I want to do what is right. I know a great many of the civil servants work indefatigably, and do their work honestly and well. No doubt there are drones, but as a whole I believe they have discharged their duties faithfully. The government appreciate the fact and they bring in this bill with the idea that by doing away with the third-class clerks and employing writers, they will give a chance to the second-class clerks to elevate themselves in a shorter time than they could under the present system. So far as I am concerned I would prefer to ensure permanency in the system. I would not like to employ persons for a week or two; I would rather employ a man permanently, pay him well and let him feel that he must give a substantial return for the money he receives. In that way you would increase the efficiency of the service. Pay your men well, but expect a fair return for the salary you pay them. I am sure that would be satisfactory to the service, and would be hailed with satisfaction by the public at large. It has been said that you have a superabundance of men in the departments, many of whom are doing nothing. I do not think it is so, but I admit the impression is general in the country. The only way to improve the service is to manage it in a business-like way. Let the heads of the departments consult each other; they know who are efficient and who should be retained and, if necessary, paid more. Those who cannot discharge their duties should be dismissed, but I do not believe that a man should be superannuated at the caprice of anybody, but only for a substantial reason, and then let it be done no matter who is hurt. I believe the government have a desire to do what they can for the benefit of the employees themselves, and at the same time to ensure efficiency in the public service. It is a hard task for these gentlemen to perform. We all know that they are so much engaged in other affairs that it is impossible for them to look into trivial matters. The heads of the departments are the men who should look after the service. If they are not competent to look after their subordinates, they are not fit for the positions they hold. Upon their recommendation the government ought to act, and, I believe, they would act. I hope the government will either withdraw this bill or allow its operation to be deferred until they have more time to investigate this very important subject.

Hon. Mr. KAULBACH—I really do not feel in a position to oppose this bill, because I think it is in the line of economy—probably an annual saving of over $100,000; and does not impair the efficiency of the service. Therefore I should give it my support. It is not interfering with any class of employees now. The present employees go on as before, but it will avoid putting persons into the service, in future until they are needed. and there can be selected for the second class on the principle of merit from those writers who have proved most worthy and efficient. We all know that at a certain time in the year and during the sitting of parliament there is a greater demand for writers in the departments than at others. Those writers, so far as I can see by the bill itself, are to be temporarily employed. No doubt a large class of them would be females. They generally are more expert as copyists than the male sex. I cannot see why this

bill should not pass. There is a great deal to be said about the Civil Service examinations. I know myself that a great many get on the list have lost most precious years looking for employment which they never get. In that way much disappointment and harm has been done by the Civil Service examinations, because political patronage will come in under the present system. You cannot avoid it. My hon. friend from Burlington talked about the inside service—that it would be well to appoint a commission and make appointments in that way. In the outside service I think it is impossible that a commission of three at Ottawa would be able to deal efficiently with those appointments and appoint the best persons. That patronage for the present would be better left in the hands of the government who would act on the advice of the representatives from the different parts of the country. I fail to agree with my hon. friend from Rideau, when he speaks of the Civil Service as being perfect. My hon. friend must shut his eyes when he goes through the departments. There are many employees who are not qualified, who are utterly unfitted in every way, for the positions which they hold, and this bill is to prevent a continuance of that sort of thing.

Hon. Mr. POWER—It does not interfere with it.

Hon. Mr. KAULBACH—It prevents such appointments in the future. It will prevent such persons being employed. It restricts the power of government in second class appointments, as Parliament must be asked for the money appropriation. It is economy to employ writers; there will be no superannuation with regard to them. I do not know—I mean just for the present by this bill—how any government could deal better with the Civil Service than the present government are doing. It is a problem which has baffled the skill of every government so far. There is a good deal in what the hon. member from Halifax says, and what the hon. member from Burlington says, but the difficulty is in carrying out and putting into practice what these gentlemen suggest. I am afraid no commission that you could appoint would be free from the taint or suspicion of partiality one way or the other, or free from political bias and the influences which beset human beings. If it can be tried and put into practice, as my hon. friend from Burlington said, try it on the inside service. There the commission would be better qualified to appoint fit and proper persons, and we would then see whether it had a good effect productive of the good which my hon. friend, who has made this subject a special study, believes it would have.

Hon. Mr. MACDONALD (B.C.)—I think the hon. gentleman from Burlington deserves thanks for the information he has given us on this subject, which has taken parliament and governments years to perfect, and which is not perfect yet. The chief point in his argument is that the Civil Service should be chosen by commissioners. My own opinion is that that is very cumbersome, and would not meet the object of keeping the appointments free from political bias, because the commissioners would be appointed by political parties, and they are only human beings. They would have a wish to please the persons who appointed them; and as long as Canada is Canada I believe it is impossible to get people free from political bias and influence. From the very inception of a government system, political influence runs through all the ramifications of every department, from the elector up to the premier. Then, again, appointing commissioners would be a sort of wheel within a wheel, or a power within a power. If the minister wanted extra assistance would he say "please Mr. commissioner I want a clerk or assistant," and could the commissioner go round to every department and say "well, there should be a man here and a man there." The commissioners might cram the departments and the minister might say "I do not want all those clerks; you are cumbering the service." That plan is full of difficulty. The ministers are responsible to the country, and the government must be held responsible for the expense of the Civil Service and the number of civil servants employed. I do not know whether the Premier has read the bill carefully; I do not suppose it is his bill; but I think it is fraught with a good deal of danger. As the hon, gentleman from Lunenburg says, the Civil Service under this bill might be crammed as much as ever. Subsection 7 repeals section 47 and reads as follows:

When from a temporary pressure of work or from any other cause extra assistance is required

in any branch of either the first or second division, the Governor in Council may, on the report of the deputy head of the department, concurred in by the head of the department, that such extra assistance is required, authorize the employment of such number of temporary clerks, writers, messengers, porters, packers, or sorters, as are required to carry on the work of the department.

Now, it depends on who the minister is and who the deputy is, the door is open to abuse. There might be an opportunity for clerks to get in who are not necessary. Then clause 8 reads :

Temporary clerks now employed may be continued in such temporary employment, notwithstanding their not having passed any examination, at such rate of pay, not exceeding their present rate of pay, as is fixed by the Governor in Council ; but, except as aforesaid, no person shall be eligible to be employed as a temporary clerk or writer unless he has passed the qualifying examination required by the Civil Service Act, and no person shall be eligible to be employed as a temporary messenger, porter, packer or sorter, unless he has passed the preliminary examination required by the said act.

That is a great hardship. If you take a clerk for the session you cannot take him on unless he has passed the examination. Is it worth while for a clerk to go to the drudgery of a Civil Service examination for six months' work with the risk of being thrown out at any moment? Then section 9 says that any person so employed may be continued in such employment by Order in Council and so on, so there is a degree of permanency in the bill after all. This temporary civil servant may be continued perhaps from year to year, if he was so continued why should he not come under the same category as those entitled to superannuation or some remuneration for services the same as the other servants get? Before this bill is passed, it requires a great deal of remodelling and a great deal of attention, because in trying to economize there will be no economy at all. Why should there not be third-class clerks? It ensures perfection in servants to advance them step by step and guarantee permanency. It stimulates them to greater exertion. It gives them ambition to press forward. Why could not a young man come in who has passed his examination and have some idea of permanency to work his way up? I do not know whether the Premier has thought of permanency of appointment. It is a very important question, and only a matter of fair-play, because there are ministers who might, from caprice, whim, or some insufficient reason, turn a very good servant adrift, and perhaps another minister might take him on. It might be done for political reasons ; and therefore there should be some degree of permanency from the very commencement—from the third class clerk up to the deputy-head.

Hon. Sir MACKENZIE BOWELL—I have very little to say further than to compliment the hon. gentleman from Burlington on the manner in which he has treated this subject. The only part of his speech to which I take any particular objection is the closing motion for the six months hoist. After a little reflection I hope he will think better of it and withdraw the motion. No one can object to a free untrammelled discussion of the subject and, as has been well said by one of the hon. members, it is one of the problems which all countries have been trying to solve for centuries back. I question whether they have arrived at that state of perfection which we should all like to see, even under the system which is spoken of by my hon. friend from Burlington. It seems to me there has been, in the discussion which has taken place, a great deal of misconception as to the real intentions of the government in proposing this bill, and there has been a certain misconstruction placed upon its provisions. In the first place, there is no intention whatever to interfere with the civil servants who have been permanently appointed. The employment of what are termed writers, who would take the place of those who are now appointed third-class clerks, will be just as permanent, if their services are required, as the clerks in the banks and mercantile establishments referred to by the hon. member for Rideau. Why is it that a clerk in a bank, in a mercantile establishment, or in any other vocation in life is willing to work after six o'clock at night, if it is in the interest of his employer, and if he is a good servant is willing to remain till 10, 11 or 12 at night? Simply because he has not a permanency where he can snap his finger at his employer whenever he is asked to do half an hour's extra work. We all know what was the case before the passage of the present law. What was the state of affairs seventeen years ago when I went into the customs department? Look at the public accounts and you will see. Every year the permanent clerks in the departments, whenever asked to do one hour's work after four o'clock, had to be paid extra

for it. Fortunately the Civil Service Act as it stands now, makes a provision that you cannot pay for any extra service for work after hours. At first I had a little rebellion in the customs department. I am speaking from personal experience, but I have no doubt it applies to other departmets ; I have no doubt my hon. friend who sits opposite me and who has had experience in the management of a department will be able to tell the same story. The first difficulty arose through the sickness of one or two of the staff and the unwillingness of one or two others to work as they would do if they did not hold a permanent position. The work was behind, and I could not get a return to lay before Parliament. I said to the commissioner "you will tell these gentleman that they must remain after 4 o'clock until the work is completed in order that I can have the return for Parliament, because I will not be in the position if I can avoid it, of having the opposition say to me that I am delaying the returns so that they could not get the facts." The reply sent to me was that those young gentlemen said: "No, their hours under the regulations end at 4 in the afternoon, and if they have to come back they insist upon being paid extra for it." Well, I did in that case precisely as I think my hon. friend or any business man would ; I said "You go and tell these gentlemen to come here and work, if they have to work till 12 o'clock at night to prepare the returns for Parliament, or I will find someboby else to do it." I had no difficulty after that. The next year they were competing with each other to see who would do the extra work. I do not wish to find fault with my predecessor, but I pursued this course : the moment I found these young men willing to keep up the work of the office and apply themselves assiduously to their duty, I recommended their promotion and an increase of salary. I do not say that I was alone in doing that, but I do say that that determination had more effect in producing efficiency on the part of the civil servants than anything previously. Now this bill is really in favour of the permanency of the Civil Service rather than against it. What does it provide? Instead of putting a young man, who may turn out to be almost worthless, upon the permanent list as a third.class clerk, you appoint him temporarily at a salary not higher than that of a third-class clerk. You may pay him more if he has any additional qualification in the way of book-keeping or whatever it may be. Then the provision is that you select from the most efficient of these young men or young women who have been employed as temporary clerks, to fill the vacancies on the permanent list and when you appoint them you appoint them at $800 a year, a living salary to begin with. It will have this effect, that you get a class of men and women who will serve until vacancies occur in the second-class division. Then you select from among them those who are really qualified and who will be looking forward to a permanent position and put them on the permanent list. There is another reason for it—the saving as much as possible of the rapidly increasing expenses that are going on in the Civil Service and for which every government is so roundly abused whenever they go before the electors at an election. In this House we scarcely ever hear a speech, particularly from my hon. friend from Halifax, when it comes to a question of the expense of governing the country, but we are condemned for extra expenditure, but the moment we attempt to affect any economy we are accused of injuring those who are opposed to the government, or of trying to bring under our thumb all those who are in the employ of the government. A moment's reflection will suggest to every member of the Senate that the system which it is proposed to adopt will not place servants of the government any more under their thumb than they are to-day. My own view of dealing with a civil servant is never to attempt to bring him under your thumb either politically or otherwise. The probabilities are that if you appoint a gentleman to the service, you select him from your own party ; my hon. friends did precisely the same thing when they were in power. I find no fault with them. That is what I do, and what my hon. friend would do if he was in power. Holding political views in accordance with those of the party, the probabilities are that the gentleman that you appoint would cast his vote in your favour. I do not make pretense to any extraordinary political virtue on this question. It is our system, and I do not say it is improper so long as the person appointed is qualified for the position to which he has been appointed. The report which my hon. friend from Burlington has read is admirable, like many other

things, in theory. You can lay down a most perfect system of governing a country either by commission or heads of departments, or in various other ways just in the same way as you can discuss political questions. Take political economy and lay down a principle, and you will work out the problem to a system of almost perfection, but when you come to apply it and try to work it out practically, particularly when human nature as the hon. gentlemen to-day have said, remains as it is and as it has been, and as my hon. friend opposite thinks it will be for some time to come, you will find the same difficulties will crop up and you will have the same trouble. Now, the very principle laid down by the hon. gentleman from Burlington of promotion by merit, is involved in this bill more than in any other, but if you have a number of temporary clerks in your employment and you want to appoint them to the permanent list you make them second-class clerks. If you had any regard for the service to which they were appointed you would be very apt to select by merit from among the temporary men that you had in your employment. If you did not, then you would be doing precisely what we are accused of having done in the past, that is, selecting them for political reasons apart from merit.

Hon. Mr. POWER—I think the hon. the first minister would, but I do not think his colleagues would.

Hon. Sir MACKENZIE BOWELL—I am obliged for the compliment. My experience with my colleagues has not led me to the opinion he expresses. I say frankly to my hon. friend from Burlington that I will not by any possibility be made a party to adopting a system of pensioning civil servants. I know no reason why a civil servant, who is paid as much and sometimes more than he could possibly obtain in any other employment, should become a pensioner upon the funds of the country.

Hon. Mr. MACINNES (Burlington)—His own funds.

Hon. Sir MACKENZIE BOWELL—Not his own funds, unless he pays for it.

Hon. Mr. MACINNES (Burlington)—He pays for it.

Hon. Sir MACKENZIE BOWELL—How?

Hon. Mr. MACINNES (Burlington)—Takes it from his salary.

Hon. Sir MACKENZIE BOWELL—Then I misunderstood the hon. gentleman. I understood him to draw a distinction between the systems of superannuation and pension, and he instanced the English system of pensioning. Now, they do not subtract from a man's salary there; they pay him his salary, and after his term of service ceases then they give him a pension.

Hon. Mr. MACINNES (Burlington)—What I meant to say was this: that there are two ways of providing for retiring civil servants—one was by the government paying them a pension, and the other was by reducing the number of clerks in the service, and *pro tanto*, reducing the cost of the service; and then the compulsory reduction to be made from the salaries to provide for the pension when they retire from the service.

Hon. Sir MACKENZIE BOWELL—I see very little difference between the proposition of my hon. friend and the system which prevails just now. I know it is the practice of governments in most parts of the world to pension their servants, but I have not advanced that far, although I am Tory in my views. Take the Bank of Montreal. If they had a servant in their employ 20, or 30, or 40 years, they give him a retiring allowance when they retire him. That is the system which prevails, but still that does not change my position in the least.

Hon. Mr. OGILVIE—It is only the principal men. The ordinary clerks do not get it.

Hon. Sir MACKENZIE BOWELL—There is one manager, I believe, in the town where I live. He spent over 40 or 50 years in the service.

Hon. Sir FRANK SMITH—They have adopted a system of insurance.

Hon. Sir MACKENZIE BOWELL—I am sure he has been a most faithful servant in the bank, always looking after its interests, and I am quite sure when he retires they will give him a retiring allowance. Speaking of pensions, I am in favour

of pensions when they apply to the military service. I am strongly in favour of pensioning the men who are wounded or disabled in the service of their country. I am also in favour of pensioning the families of those who have laid down their lives in the defence of their country. But the civil servants who work daily not half as long as you and I work now, or when we were in the employment of others,—I cannot say that I am in favour of pensioning them. Now, 17 years of experience in the public service has taught me this: there are men as valuable, and who take as much interest in the management of the affairs of the department in which they are occupied, as any clerk or any employee or any master himself. I have had them under me for a number of years and they never hesitated, whether it was six o'clock in the morning or twelve at night, to come and work, and never found fault when work was necessary to be done, and they had to do it. Then there are amongst the number those who come as late as possible, go away as early as possible, do as little as possible, and growl as much as possible. That is my experience and it is very frankly stated. I repeat, I am quite satisfied that the employment of writers in the manner in which it is proposed in this bill will tend to make better clerks and you will select the best men in your employment looking forward, as they will to their appointment at the higher salary which this bill provides in order to give them permanency. The hon. member stated that in the evidence given before the commission, one of the heads of departments, Mr. White, I think, of the Post Office department, gave evidence in favour of this English system of employment. Why? He is the only man in the service at Ottawa that I know of, who had experience in the working of that system, and he was an employe of the Post Office department in London before he came to Canada.

Hon. Mr. POWER—Had not the Deputy Minister of Finance similar experience?

Hon. Sir MACKENZIE BOWELL—I have no recollection of his having given any such evidence. I may be in error. I remember reading the report at the time; the Deputy-Minister of Finance was not, so far as I know, a civil servant in England. I know that Mr. White was, and he was brought from the Post Office Department in London, England, to this country on account of his proficiency and knowledge of the working of the post office system there. He lays it down as a principle that the system of writers is the best, that he can get more work out of the staff, and that they are more attentive to their duties. Only this morning, in discussing this question, he gave this view as the result of his experience; we have adopted the system of my hon. friend partially, and we are going towards it as rapidly as possible. A paragraph in his own report will show that we are somewhat in the line of the recommendation which the hon. gentleman from Burlington made, which will be found is in the Journals of 1881. In dealing with the question of third-class temporary clerks, extra remuneration, &c., under the head of "temporary clerks," I find this paragraph:

> We propose that the wants of the departments from a temporary pressure of work should be supplied with the required numbers from the successful candidate in the Civil Service commissioner's list, and for whom no vacancies for the time being may have been found, the rate of the remuneration for such temporary service not to exceed the pay of third-class clerks, such employment not to be considered as constituting any claim to the permanent clerkship.

That is his recommendation. Now have we departed from that to any material extent? That is nearly the wording of the law as it stands at present. I trust the House will accept the explanation, and I trust it will be satisfactory to my hon. friend from Burlington, when the time comes for reforming the Civil Service so as to attain perfection which the English system and the United States system are said to have—I never heard the United States system extolled before, I never thought it had any any political virtue.

Hon. Mr. POWER—It has only been introduced a short time.

Hon. Sir MACKENZIE BOWELL—However it may apply to the inside service, certainly it does not to the outside service. Take as an illustration the collector of customs in New York, which is a very lucrative office. The collector is changed every administration. If the system is good there is no reason why that should be done. If

there is any office in the whole department of the government that requires a cool judicial brain it is in the customs.

Hon. Mr. OGILVIE—And experience.

Hon. Sir MACKENZIE BOWELL—And experience, and no changes. Because the complications that are continually arising, the different interpretations which are constantly being put upon the most trivial items in the tariff, are of such a character that unless a man studies, unless he applies himself and will try to act in an equitable and judicial manner, he will be a failure. Experience has taught that. The system in the United States has not arrived at that efficiency to which we all hope the civil service may attain at no distant date.

Hon. Mr. MacINNES (Burlington)—I do not want to take up any more of the time of the House in discussing this question. I hope the discussion that we have had will result in the improvement of the service. When we go into committee, perhaps I will have something to say with reference to the different clauses of the bill. In the meantime, I will act on the suggestion of my hon. friend and withdraw the motion with the consent of the House.

The amendment was withdrawn and the Bill was read the second time.

## SUPERANNUATION OF JUDGES OF PROVINCIAL COURTS BILL.

SECOND AND THIRD READINGS.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (129) "An Act to amend the law respecting the superannuation of judges of provincial courts."

Hon. Mr. LOUGHEED—May I ask the reason of this clause? There does not appear to be any substantial difference between it and the old law.

Hon. Sir MACKENZIE BOWELL—The hon. member from Calgary was not in the House when I introduced the bill. It does not change the law as it stands on the statute-book, but simply removes an ambiguity that may exist as to the status of admiralty court judges. The provision for the superannuation of local judges in Admiralty Courts is not new law Under the Revised Statutes judges of the Courts of Vice-Admiralty are entitled to superannation. The local judges in Admiralty appointed under our Admiralty Act of 1891 are really the successors of these, and their districts are, as a matter of fact, the same as the old vice-Admiralty districts. It is quite true that the Governor in Council may constitute new districts: but this has not been done in any case, nor is there any likelihood of its being done on account of the provisions in our Admiralty Act for the local administration of the Act by deputy and surrogate judges, ss. 10 & 11. Some have confused the latter with the local judges in Admiralty, whose tenure is entirely different. They hold office and are removable only in the same manner as a superior court judge (section 6): whereas the surrogate judge holds office during the pleasure of the Governor in Council, and the deputy judge holds office during the pleasure of the local judge who appointed him. Instead, therefore, of making a new provision the bill only makes clear the rights of the Local Judges in Admiralty. It must be remembered that by the Imperial Colonial Courts of Admiralty Act, 1890 express provision is made for compensating any judge or officer of the Vice-Admiralty Court in a British possession who suffers any pecuniary loss by the abolition of the court; so that if we were to take away the right of these judges to a pension, they would have a claim to compensation. As to the maritime court, the bill makes no change whatever. That court under the Act constituting it (Revised Statutes, Chapter 137) is a superior court, and the Revised Statute with respect to provincial judges already provides that all judges of Superior Courts are entitled to pensions. The provision in the bill was inserted at the request of the present judge of the court, merely for greater caution. The change in the law is to place those judges in the same position as superior court judges and to put the question of their superannuation, when they retire from service, beyond a doubt. That is the whole object of the bill.

Hon. Mr. LOUGHEED—It seems to me the object of this bill is to change the status of the county court judges of Ontario, placing some of them in the position of superior court judges, because under the Maritime

Court Act power appears to be given to the Governor in Council to appoint county court judges to act as judges of the Maritime Court. The amendment proposes (namely subsec. 2 of sec. 4), to establish and constitute a county court judge a judge of the superior court, provided he was acting as judge of a Maritime Court. I simply ask the question for the purpose of ascertaining if it is the intention of the government that the county court judges should occupy the same status as superior court judges by reason of acting in the Admiralty Court.

Hon. Mr. SCOTT—Merely with respect to his allowance.

Hon. Mr. LOUGHEED—A county court judge cannot be superannuated until he has served twenty years, whereas a superior court judge can be superannuated after fifteen years' service. It shortens the term by five years.

Hon. Sir MACKENZIE BOWELL—From the reading of this section I should judge that the interpretation placed upon it by my hon. friend from Ottawa is the correct one. I will make inquiries on that point; but it says distinctly:

2. Courts of Vice-Admiralty and the Maritime Court of Ontario shall be deemed to have been superior courts, local judges in Admiralty of the Exchequer Court to be judges of a superior court, and stipendiary magistrates within the North-west territories to have been judges of a superior court, within the meaning of this section.

As I understand it, that is simply to apply to the question of the right of superannuation, declaring them to have a status equal to that of superior court judges, for that purpose and that alone.

The motion was agreed to and the bill was read the second time.

The bill then passed through committee of the whole without amendment, and was read the third time and passed.

## WINNIPEG AND HUDSON BAY RAILWAY.

Hon. Sir MACKENZIE BOWELL—In moving the adjournment of the House, I desire to make an explanation of the answer that I gave my hon. friend from Ottawa recently when he put the question as to whether there is to be any legislation in reference to the Hudson Bay Railway this session. I understood my hon. friend at that time to refer to legislation in the line of the Order in Council which had been passed and laid on the table, and I said no, and neither is there any intention of proceeding with legislation in that line. The bill, a notice of which was given in the Lower House, in reference to that line was for the purpose of dividing the subsidy which is now granted to that railway running from Winnipeg to the Saskatchewan. The House will remember that the aid given under their present charter is 6,400 acres of land per mile and $80,000 as a subsidy on the completion of the whole line, whether it will be gone on with I am not in a position now to say, but it is proposed to divide that into two, so that when they have completed the first 125 miles, they might receive the proportion of land and half the amount of the proposed subsidy.

Hon. Mr. SCOTT—Will there be any change of location?

Hon. Sir MACKENZIE BOWELL—There may be a change of location; I am not positive as to details, but, as I understand it, they can proceed from the north-western terminus of the forty miles already built, or begin at Gladstone; and, if they do that, then it parallels no line, but becomes, in other words, a feeder to existing lines.

Hon. Mr. LOUGHEED—Will that carry the road as far as the Saskatchewan?

Hon. Sir MACKENZIE BOWELL—No; only half-way. The proposition will be, if any legislation takes place at all,—which is now being considered,—simply to divide the subsidy to which they are entitled under their present charter.

Hon. Mr. ALLAN—That is the subsidy granted during the time of Sir John Abbott?

Hon. Sir MACKENZIE BOWELL—Yes. Instead of considering it a disadvantage, I should be inclined to feel more favourable to their beginning, not at the end of their present road, but at Gladstone and then running northward. Hon. gentlemen from the North-west will understand that better than I do.

Hon. Mr. MACINNES (Burlington)—They will require to have their charter amended?

Hon. Sir MACKENZIE BOWELL—It is simply to empower the government to give half the subsidy, and grant half the quantity of the land upon the completion of half the length of the road—that is all.

Mr. LOUGHEED—It does not propose extending the time for construction?

Hon. Sir MACKENZIE BOWELL—I am not at this moment able to tell the hon. gentleman whether the time for completion provided in the bill is extended or not.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Tuesday, 16th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## CIVIL SERVICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (130) "An Act further to amend the Civil Service Act."

(In the Committee),

On clause 1,

Hon. Mr. POWER—This bill, as was pointed out yesterday, proposes to deprive our civil servants of one of the characteristics which, in the past, met with the approval of persons interested in the welfare of the public service. That is, the characteristic of permanency. A person who may be appointed to the public service under the provisions of this bill, if it becomes law, will not have a permanent tenure, but will hold office simply at the discretion of the Ministers of the day. When a change takes place in that ministry, it follows, almost as a matter of course, that those to whom this bill applies, who have been appointed under one administration, will be dismissed by their successors. We are asked to introduce a system which we have not had in Canada at any time since confederation, and I think that is very much to be regretted. There is another feature in connection with this bill which, I believe, one hon. gentleman at any rate who spoke on the subject yesterday had taken into consideration, but as to which he said nothing, and as far as I remember no hon. gentleman said anything. That is, that if this bill becomes law, the persons appointed to the lower grades of the Civil Service in future will not be taken from the various portions of the Dominion, but will, of necessity almost, be persons residing in Ottawa. No young man, or for that matter no young woman, who has any self-respect or any ability would be willing to undergo examinations and come from a distant province, say Nova Scotia or Manitoba, or even from Quebec, to Ottawa for the purpose of entering a service from which he or she may be summarily dismissed at the expiration of a month.

Hon. Mr. MACINNES (Burlington)—The examinations are dispensed with under this bill.

Hon. Mr. POWER—Not altogether.

Hon. Mr. MACINNES—Qualifying examinations.

Hon. Mr. POWER—One examination is dispensed with. The result will be, hon. gentlemen, that the only persons to be appointed in the Civil Service will be persons residing in Ottawa, and as a rule, persons who may be described as hangers-on of the Government—a class of persons somewhat inferior, I suppose, to those who become sessional clerks in the House of Commons. It is perfectly clear that the practical effects of this measure will be to degrade the Civil Service and to deprive it of that character of permanency which has characterized it since 1867. I move that the committee rise.

Hon. Mr. ALLAN—Where does the hon. gentleman find that a servant may be discharged at a month's notice?

Hon. Mr. POWER—The writers are to be employed temporarily. If a new Government came in, it would get rid of those employees of the previous Government.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is a stickler for rules. I would suggest to the chairman the propriety of enforcing them on this occasion. If you consult the authorities you will find that discussion must be confined to the clause before the committee for consideration. My hon. friend has discussed the whole principle of the bill which was debated at the second reading. He has a right, however, to do just as he has done—to move that the committee rise at any stage, in order to kill the bill, and that is the object of the hon. gentleman's motion. If the Senate vote for his motion, then the bill is killed, and it is tantamount to a six month's hoist on the first, second or third readings. I shall not indulge in any remarks in reply to the hon. gentleman (because I should then be just as much out of order as he was) except to say that I hope and sincerely trust that the party to which I belong will not adopt in the future, as they have not adopted in the past, the United States system which the hon. gentleman has indicated in this House he would do if he should happen to come into power. Now, I challenge him, or his leader in this House, to point to a single temporary clerk that was dismissed or removed from Sir John Macdonald's Government formed in 1878, or one that they have disposed of by dismissal since that period except for cause, and good cause. I could point out to him, were it necessary to do so, those who were temporarily employed, some in the Secretary of State's office, at the time, who are the bitterest and most vindictive and active opponents of the Conservative government that you could find in this city. They were not turned out; on the contrary, when the time came and vacancies occurred, they were not only put in positions, but they have been retained in them ever since. I say that in defence of the party to which I belong, and the Government of which I have been a member ever since 1878. Having said that much, I do not propose to say anything about the "degradation of the service," or to combat the other ideas that the hon. gentleman advanced. If this Senate thinks proper to vote for the hon. gentleman's amendment there is an end to legislation on this subject during the present session.

Hon. Mr. ALLAN—Is there anything in this bill which, as my hon. friend from Halifax asserts, would bring about the state of things which obtains in the United States, namely, that when the party in power go out, there may be a thorough change of the employees of the government? Is there any clause of the bill by which the ordinary civil servant would be liable to dismissal on a change of government? I cannot see that there is. As I understand the bill, these temporary appointments are only to be made in certain contingencies; that is to say, if there is a pressure of work. These appointments may be made on the recommendation of the head of any branch of the service. Am I correct in apprehending that those are the provisions of the bill?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite correct. There is no clause in this bill that gives any power or authority to dismiss any servant, whether he be temporary or permanent, other than they have to-day. On the contrary, it takes a certain power from the government which I will point out when we come to the clause. If we have temporary writers, as they are to be termed under the new bill, it is on the same principle that prevails in England in managing the Civil Service, only it abolishes what is termed third-class clerkships. If it is required to fill a second-class clerkship, the clerk would enter at $800, instead of at $400 in the third-class. There is no power in this bill to enable any government to appoint that second-class clerk until it is first laid before Parliament and an appropriation obtained for the purpose. At present you can put as many on as you please, so long as you have funds at your disposal. So that it is really restricting the power of the Government rather than extending it, and my hon. friend from Burlington, who has come to the conclusion that the qualifying examinations, or any examinations, are abolished, has drawn his conclusions from reading the last clause of the bill, which is a re-enactment of a section that has been in the Civil Service Act for eight or ten years, and has been renewed two or three times. It is to enable the Government to put upon the permanent list an officer who had been in the service previous to 1882, and who is reported by his chief, whether it be a collector of customs in a port or whether it be here, as one who can be placed upon the permanent list, at the

salary he is then receiving, without examination. That is the only point, and if you will look a little more carefully into the bill, you will find that the writers who can now be appointed, after having passed the preliminary examination, cannot be appointed until they have passed the qualifying examination, thus putting them in a position to be promoted when the time comes and a vacancy occurs in the second class. Since I am on my feet, and the question before us is the destruction of the bill, I want to show the House what the effect of it is. There are now about 300 third-class clerks in the employ of the Government at a maximum salary of $1,000. That is $300,000. When the full effect of this bill comes into operation, by employing these writers at $400 a year, and the third-class clerks cease to exist, you save about $180,000. I made the calculation last night, and made some inquiry after the debate took place here. The object of the bill is to have a better service and not to overload it, and to effect an economy of between $150,000 and $200,000. That is the effect of it. That will be the result of the bill, unless, unfortunately for the country, my hon. friend should come into power, and then he might increase the expense instead of decreasing it. One effect of this bill will be that when unreasonable demands are made to the head of the department, he can appeal to the law, and say, "I cannot do it, because there is the law against me." It might not be a protection against a hard headed and hard hearted creature like myself, but there are others, tender hearted, who cannot resist the appeals of the widow and the orphan, of the needy and the hangers on, of whom my hon. friend speaks. That is what I fear; and we desire to protect the Civil Service against just such tender-hearted people as my hon. friend opposite.

Hon. Mr. ALLAN—Does the bill enact that, with the exception of temporary clerks now employed, no temporary clerk shall be eligible hereafter unless he passes the qualifying examination?

Hon. Sir MACKENZIE BOWELL—He must pass the qualifying examination. At present you can appoint those who have passed only the preliminary.

The motion was declared lost.

Hon. Mr. CLEMOW—I wish to propose an additional clause to the effect that this Act shall not come into force and take effect until the 1st January next.

Hon. Sir MACKENZIE BOWELL—I have no objection to that.

The amendment was agreed to.

Hon. Mr. OGILVIE, from the committee, reported the bill with amendment, which was concurred in.

The bill was then read a third time and passed.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Wednesday, 17th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE COLTON DIVORCE CASE.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. READ moved concurrence in the 18th report of the Standing Committee on divorce *re* Colton Relief Bill. He said: This report gives a history of the case and recommends that the bill be not further proceeded with.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Thursday, July 18th, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE PRINTING OF PARLIAMENT.

INQUIRY.

Hon. Mr. POWER rose to

Call attention to the unsatisfactory return presented on the 31st of May last, to the Address of the Senate, dated the 11th July, 1894, for a statement showing in detail the several sums paid for public printing, for the years ending 30th June, 1883, and the 30th June, 1893, respectively, and ask the Government whether they will not cause a more satisfactory return to be made to the said Address?

He said:—On the 11th July last year I moved for a statement showing in detail the several amounts paid for public printing for the years ending 30th June, 1883, and 30th June, 1893, respectively. In the few remarks with which I accompanied the motion I pointed out that the object in asking for this statement was to enable the Senate and the government to make a comparison between the cost of printing under the old contract system, and the cost under the present at the Printing Bureau. I called attention to the fact that the printing was not being done as promptly as it had been done under the old system, and unless there was a saving by the present mode, it would be desirable to go back to the old system. In fact, without these remarks any one could have seen, from reading the notice, what I wanted. It was intended to make a comparison between the cost of printing in 1882-3 and the cost in 1892-3. The return was brought down on the 31st May this year, and on referring to it I find it is not the return I asked for, and which the Senate require. Perhaps I may as well read a letter from the Queen's Printer which accompanies the return:

In preparing this return, the information for the year 1892–3 is given complete; but it was not possible to make up anything but a partial return for 1882–3; because the department was not created until 1886, and did not begin operations until 1888. That portion of the departmental printing which was done by the contractors is shown in the two volumes sent herewith, and no other details beyond these exist in this department.

These were the two large volumes which the leader of the government laid on the table accompanied by more or less chaff.

These volumes, however, contain but a small portion of the printing really done, for many of the departments got printing done at outside offices and most of the immigration literature was done outside. Nothing of this appears in these books; for, although the work may have been audited by the Queen's Printer, the bills were at once returned to the respective departments and were paid by them. All this became the subject-matter of a number of suits and large additional sums were paid in damages to the contractors, for which the papers and vouchers are for the most part in the court.

All the parliamentary printing, including the sessional documents and the blue books, were printed under separate contracts, under the exclusive control of officers of parliament. Nothing of this matter appears in these books. The Queen's Printer had nothing to do with this printing until 1889, before that he did not even audit the accounts.

The return for 1882–3, though only a partial return, is all which ever existed in the Queen's Printer's office.

So it would appear that the government, instead of sending to the various departments, or instructing the Queen's Printer to procure from the departments outside his own, the information which was necessary to furnish a complete statement, were satisfied with this sort of a return from the Queen's Printer giving only the information in his own office, while the information was not to be had there because, as appears from the return and as we all knew, previous to 1886, the printing was not all done under the supervision of the Queen's Printer. The return I hold in my hand is most unsatisfactory. There are 387 pages of foolscap of writing apparently in the one handwriting; so I presume this work has occupied one of those writers, of whom the leader of the House speaks, for the period extending from the time when the motion was adopted by the House until the 30th May of the present year when the return was brought down. This return is of no value for the purpose for which it was required. It does not give the information as to the year 1892-3 because there is not a single column of all these 387 pages of figures added up. This return simply gives the various items. That was not what was required at all. Although the words "giving in detail," were used, they were only intended to indicate that the amount paid in each department for printing was to be given. This return is of no use whatever, and inasmuch as the information which was sought was information that would be valuable to the government and to all members of parliament, I trust that the hon. First Minister will take steps to procure what I had hoped to get as a consequence of this address of the Senate. There is no necessity to give all these details; what is required is the cost of the printing of each department under the two systems respectively, and that would be very valuable information, I trust inasmuch as it does not involve such work as has been expended on the return before us, the First Minister will be good enough to see that it is procured.

Hon. Sir MACKENZIE BOWELL—It has been my desire, as well as that also of the government, upon every occasion where returns have been asked for, to comply with the conditions of the order as near as pos-

sible. I am very much afraid that my hon. friend's intentions and desires were altogether different from those which he embodied in his resolution. I have noticed that in bringing down returns that have been asked for by either House of parliament, if you do not adhere as nearly as you can to the form and the wording of the resolution, you are very apt to be found fault with. When I laid that return of 300 odd pages before the Senate, I also produced two very large volumes to show to the House the immense amount of labour that would have to be performed in order to comply literally with the wording of this resolution. If the hon. gentleman's resolution had been of the character which he has explained, there would not have been that difficulty, but when you read the resolution you will see that it calls for details :

> That an humble address be presented praying that His Excellency will cause to be laid before the Senate, a statement showing details.

Now, if that means anything, it means that everything that had been printed and the items in each department should be mentioned. Then the motion continues :

> Showing in detail the several sums paid for printing for the years ending the 30th June, 1883, and the 30th June, 1893, respectively.

There is no question as to the conclusion that any one reading that would come to, that the hon. gentleman's desire was to make a comparison between the cost of printing in 1883 and the cost of printing in 1893. Had that been asked for it would have been brought down, and I trust in such a form as to have enabled him to make a proper comparison ; but in asking for this return he precedes it with the words "in detail." To do that they had to go through the whole of the printing for the year 1883, and for the year 1893, in order to comply with the terms of this order. The hon. gentleman will remember that when I laid the return before the House, I made that explanation and said that if he desired to have all those items copied we should endeavour to do so. If all the hon. gentleman wants is a statement of the expenditure for printing in 1883 and 1893, that could easily have been obtained, but that would not have enabled him to make a fair comparison, because the question would at once arise as to whether the quantity of printing was greater in 1893 than it was in 1883. Hence, in order to make a proper and correct analysis of the work done and the expenditure upon it, we should have to compare each item of 1893 with that of 1883. For instance, you might compare the cost of printing say 10,000 certificates for customs entries in 1883 with the cost of printing a similar quantity in 1893 ; and by going through the accounts of each department in that way you might reach a correct conclusion as to comparative expenditures under the contract system and under the present system. I made such a comparison when I was Minister of Customs. I told one of my clerks to ascertain, for my own satisfaction, the expenditure under the two systems. We required some 100,000 forms of entries printed on foolscap paper—a blank form on one side and rules and regulations on the other. I told my clerk to ascertain what was charged to the department by the Printing Bureau for the 100,000, and what had been paid to McLean & Roger, under the contract system, for printing a similar quantity. To arrive at anything like a correct conclusion as to the comparative expenditure, you would have to go through every department in that way, taking every item. Any one who knows anything about printing or has had anything to do with that branch of business, will understand precisely what I mean. There is a variety of work continually coming in. This year a return costing $500 may be ordered by a department ; next year there might be nothing of the kind. The only way to arrive at a correct conclusion as to the comparative cost of the two systems would be to take some item and find what it costs under the present system, and what it cost under the contract system. By that method you arrive at some idea as to the propriety of continuing the present system. I can assure my hon. friend that in bringing down that return I did not do it in a chaffing mood, though probably I did smile at the idea of bringing a number of ledgers to parliament, but it was not in the spirit of ridiculing the return which I laid on the table. Let me suggest to the hon. gentleman that when he makes a motion of this character, involving so much work and expense he should be as explicit as possible and not leave it to the imagination of those to whom it is sent, to decide what should be done to comply with the order. Otherwise, when he gets it he may know no more than when he moved for

it. I am speaking very frankly and I think the hon. gentleman will understand me. I have no doubt that one of those writers to whom he refers had to do the work, and I hope that will be a lesson to him in the future not to put the country to such unnecessary expense.

Hon. Mr. POWER—I do not think I can be accused of doing much in that way. I am not in the habit of moving for returns. I hardly ever do it. Perhaps the motion was not in the very best form, but I explained to the House at the time that I made the motion—and I think the hon. the First Minister himself was in charge of the House at the time and understood perfectly—what was desired and what the object was; and the return which came down does not carry out the object in any way. This return gives simply the items, and the columns are not added up. So it is perfectly useless for purposes of comparisons, and inasmuch as we have the corresponding returns for 1882 and 1883, it is clear that, for the purpose for which it was asked, and which was clearly and fully explained at the time the address was adopted, the intention of the House, at any rate, has been defeated.

## THE SENATE DEBATES.

COMMITTEE'S REPORT ADOPTED.

Hon. Mr. BELLEROSE moved the adoption of the second report of the Standing Committee on the reporting of the Debates and Proceedings of the Senate. He said: The report contains two recommendations. The previous report of the committee suggested that Mr. Smith be employed to prepare reports for the press at a salary of $30 a week. This report is to order the clerk to pay the $30 a week during the whole session from the beginning. The second part suggests to the House that Mr. Smith be employed next year at the same rate of pay, with the understanding, however, that his services may be dispensed with at any time during the session on one week's notice.

Hon. Mr. POWER—Mr. Smith, I understand, had been employed some time before the adoption of the report, and he has been paid only since the adoption of the report, the first paragraph provides that he is to be paid for the earlier time for which he was not paid under the former report.

The motion was agreed to.

## CUSTOMS ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (140) "An Act further to amend the Customs Act."

The bill was read the first time.

Hon. Sir MACKENZIE BOWELL moved the second reading of the bill. He said: It is a short bill, and I will read it to the House:

> There shall be a Board of Customs which shall consist of the commissioner of customs or any officer for the time being acting as such. The Dominion customs appraisers and the assistant Dominion customs appraisers referred to in any Act respecting the Customs, and such other duly qualified officer or officers of customs as the Governor in Council from time to time appoints, and the said board shall have such powers and perform such duties as are assigned to it by any Act of Parliament of Canada, or by the Governor in Council, and three members of such Board shall form a quorum and be competent to transact the business of the Board at any meeting thereof, whether regular, upon fixed days or dates or specially called by the chairman, of which quorum one member shall be either the commissioner of customs, or the officer for the time being acting as commissioner of customs and then the office of assistant commissioner of customs is hereby abolished.

The object of the bill is simply to rectify an error that has existed in the Customs Act, appointing a board of appraisers, ever since the Act has been upon the statute book. There is no provision in the Act for a quorum. It might be argued that it was necessary to notify all the appraisers throughout the Dominion at every meeting of the board in order to make each meeting a legally constituted board. Notwithstanding that, the Controller of late, or the Minister when there was a Minister at the head of affairs, used to have the commissioner call a meeting of the board once a week and sometimes two or three times a week, to decide questions constantly coming before them. I pointed out some time ago the lack of power which is conferred, and it was decided, after full consideration, that it was necessary in order to legalize the decisions of the board that this amendment should be made. I might mention that it has been a grave question; it has been not only a mooted question but a question which has been agitated by different boards of trade and merchants throughout the country as to the utility of

this board, and whether it would not be better to adopt the system now in vogue in the United States under the McKinley and Wilson Bills—that is, the appointing of a board of appraisers composed of representatives of different sections of the trade and have them meet in New York, to decide the differences that are constantly arising at the various ports. That board has been in existence between twc and three years, and in watching the operations of the board and the decisions of the board of appraisers, I fail to find that it has been an improvement even upon the old system. There are constantly points referred to them as to the proper interpretation of the United States tariff, upon which they give decisions; and it happens just as frequently, more so than in this country—necessarily so, being larger—they go into the courts and the courts set them aside. As an illustration, there is an item in the tariff providing for the admission free into the United States of certain kinds and qualities of timber. One item reads: "Cedar and other cabinets." Query: does the word "cedar" there mean cedar pure and simple of any kind or quality, or does it mean cedar which must be a cabinet wood, because it reads "Cedar and other cabinet woods." By adding the conjunction and the word "other" the courts have decided, contrary to the decision of the board of appraisers, that the cedar must be a cabinet wood, or it is free the same as other timber. There is thirty days to appeal. I do not know that the thirty days have expired.

Hon. Mr. McINNES (B.C.)—I see by the British Columbia papers recently that it was decided it should be admitted free.

Hon. Sir MACKENZIE BOWELL—I know the courts have decided that unless it is cabinet wood subject to a high polish, it was to be admitted free. My point is this—whether that is decided finally yet or not: If the thirty days have elapsed during which the appraisers, on behalf of the government of the United States, can appeal that is the law; if it has not expired, the case may go to the Supreme Court of the United States for aught we know. The proposal that has been made by the boards of trade, and particularly by the Montreal Board of Trade, has been re-echoed by the boards of the different sections of the country. Some boards in small towns, where they have little or no importations, have simply adopted the petition because it was sent to them from the metropolitan commercial city of the Dominion. In a conversation not long ago with the president and some other gentlemen of that board of trade, I think I convinced them that their proposition, if carried out, would not accomplish the object they had in view. In the discussion of this bill in the other House, a motion was made by one gentleman affirming the principle of appointing a board somewhat similar to that which exists in New York, and he went on to say that you should have one man representing hardware, another representing dry goods and fancy goods, another representing oils and paints, and so on until you get five or six of them. Let us suppose that a difficulty arises in Montreal or in Toronto as to the proper ruling and classification of a piece of cloth. You all know the complication of our tariff which makes provision for different duties on the various kinds of cloth. If you refer a question of that kind to this board of experts, who is to decide it? A gentleman who has spent his life in the hardware business is not likely to know anything about such a question; neither is the man who is an expert in chemistry, nor is the man who is dealing in paints, so that in fact you would have a reference, as to the classification of that cloth and the duty to be paid upon it, simply to one man; and that would apply to every other branch of industry. I have my own views upon this question and I explained them to the president of the board of trade. I propose during the recess to see if we cannot adopt a system by which the board, which we are now legally constituting, cannot be relieved of all its duties, but, where questions arise as to the proper meaning of the tariff, be enabled to refer them to an independent court which has no feeling one way or the other and let the merchant, who is fighting his battle, go there and fight it in the same manner that he would before the Controller of Customs and this board, and there have it settled. It would have this effect also: it would relieve the head of the department and the government from charges of partiality which constantly are thrown at their heads, when they really never think of being partial. I believe the present system—perhaps I am a little wedded to it because

I proposed it myself—where you have men like the commissioner of customs, the general appraiser, and the assistant commissioner, who have been for years studying questions of this kind are better fitted to give a correct interpretation of the law and to give a more correct decision as to the classification of goods than any other authority; but difficulties arise continually, and importers have become dissatisfied. The government must treat every man alike and impartially. If they could relegate the whole question to some authority independent of the political head of the department, my own impression is that while it might not be better for the merchant, it certainly would relieve the government from any imputation of partiality. I make this statement because there has been some misapprehension as to the conversation to which I have referred, and which has been interpreted into an implied promise. When I had this conversation, I mentioned what I thought would be a remedy, not a remedy in full, but probably one which would give more satisfaction than any board of appraisers, which would be an expensive one, to say the least of it. The bill before this House is very simple, and for the purpose solely of placing the Controller of Customs in a position by which he can have a legally constituted board of appraisers, whose decisions should have full force and effect, unless set aside by a court.

Hon. Mr. McINNES—Of whom will the court be composed?

Hon. Sir MACKENZIE BOWELL—I did not say there would be one. That is an idea of my own that I threw out. It is a matter that would have to be very fully considered—to so change the law as to enable the head of the department, whoever he might be, to send the question for dispute over to a certain judge. I will make myself a little more clear, because it is a question that hon. gentlemen may better consider: at present say a dispute arises and seizure is made of goods, whether it be for smuggling or under-valuation. That is sent by the seizing officer, through the collector, to the department. The department then notifies the party from whom the goods were seized, giving him a month's time to put in his defence. The sections of the law which cover questions of seizures and penalties are printed on the back of this notice. At the end of a month, unless previously settled—they are very often settled amicably, sometimes when it is a flagrant case the man says he has no defence—the head of the department makes his decision and the party interested is informed of that decision. If he accepts this, well and good; if he does not, then he can appeal to another court to set that aside. Now, supposing a system of this kind were adopted: as soon as the seizure report is received by the department from the collector or the seizing officer, he might pursue the same course of notifying the party interested and at the same time telling him that he had one month to put in his defence, but he must put it into a court presided over by a certain judge instead of back to the department. That would relieve the department and give a judicial decision which, when given by the head of a department, is very often disputed. That is an outline of what I propose to think about during the coming recess.

Hon. Mr. SCOTT—This bill does not make very much difference in the law as it exists at present. It removes the assistant commissioner. The present board consists of the commissioner of customs, the assistant commissioner, the Dominion customs appraiser and the assistant Dominion customs appraisers. As the leader of the government has stated, the statute did not provide for the number that would form a quorum, but I do not suppose that that has been any practical difficulty in the working of the law. I have not heard that it has been an element that has been at all considered. The board have acted, from time to time, as their own discretion prompted. The bill does not in any way deal with the resolutions which have been adopted by the various boards of trade of Canada calling for some change of the law by which greater uniformity shall prevail in the appraisement of the various imports. It is well known that the same article has, in the past, paid different duties at different ports of entry. I have had, myself, personal experience of it, and brought it up before the department and never been able to get a remedy. I have brought up cases where an article, entered by the same importers, at one port was admitted at a nominal rate of duty while at another port it was charged a high rate. I can mention the

case if the hon. gentleman wishes it. Such cases occur constantly. That has induced the Boards of Trade of Toronto, Montreal and other cities, to ask that some other system be adopted. Hon. gentlemen must recognize and it is only human nature that the board of customs appraisers being appointees of the Crown, their whole effort is to increase the rate of duty. From their stand-point it may be a very laudable motive, but it is not a fair board because it is all one sided. It leaves the decision of the case to an interested party, and we know that appeals from decisions are rarely taken. A merchant doing a large business is afraid to contest a case, because he knows very well that it brings on him the anger and indignation of the customs authorities, and they hit him in another way. What ought to be provided, and what I have always advocated, is a quick appeal—some short method of appeal by which an independent judgment can be obtained. The Premier takes that view himself. Naturally the head of the department is anxious to save his own officials. If they feel they are to be over-ruled from time to time, they are not so zealous, and therefore the tendency of the head of the department is to sustain those who are under him. I hope if he wants to serve the commercial life of this community, he will propose next session, some short method by which an independent appeal can be made to a judge without involving any serious costs. Judges have to interpret cases of a similar character every day. There is no reason why a judge should not be able to draw a proper conclusion from the Customs Act. The parties interested would necessarily call in expert witnesses, and he would be guided entirely by independent testimony of that kind. It is perfectly clear there is a great deal of dissatisfaction at present existing. The moment the duties went up to a high figure the dissatisfaction became all the greater, and it was all the more marked when it was known that the ruling at one port was not the same as the ruling at another port. It was that feeling that prompted the boards of trade of the various cities to send forward the resolutions, which have been submitted recently, calling for a change of some kind in the mode of appraisment. This bill does not meet what is desired by the boards of trade of Canada. It drops the assistant commissioner out of the list; that is all.

Hon. Mr. POWER—Is there to be an assistant commissioner at all?

Hon. Mr. SCOTT—I do not know whether the post of assistant commissioner has been filled since Mr. Watters ceased to fill it?

Hon. Sir MACKENZIE BOWELL—No, it has not been.

Hon. Mr. SCOTT—In that respect it differs from the existing law, and it also makes it clear that three shall form a quorum, but it must be quite obvious that those three are subordinate officers of the department, and they naturally desire to have their judgment conform to that of the superior officer. They are not an independent authority in any sense. Our experience tells us so, and it has been the experience of the mercantile community of Canada, and it is for that reason that it is thought desirable to have some change. The only change that I see which is likely to be acceptable is the one that prevails in the United States, where, by a very short and easy process, you can take an appeal to a local judge to interpret the law.

Hon. Sir MACKENZIE BOWELL—That is not the system in the States.

Hon. Mr. POWER—No.

Hon. Mr. SCOTT—There is an appeal to the courts.

Hon. Sir MACKENZIE BOWELL—There is an appeal, in the United States, from the decision of the appraisers.

Hon. Mr. OGILVIE—While we have petitions from the boards of trade in Montreal and other places, I would not have either the government or this House understand that the petition from the board of trade in Montreal was anything like unanimous. I have heard the statement made by many prominent merchants in Montreal that they did not approve of it in any way. I was asked to present the petition here, and I consented, but I said that I was not in accord with it, and that is the view of a great many of our merchants, as well as merchants in other places, about the matter.

Hon. Mr. POWER—I hope the hon. Minister will carry out his promise, or something in the nature of a promise, of

providing for an appeal from the decision of the appraisers.

Hon. Mr. ANGERS—It has been stated that when a seizure has been made for the infringement of the tariff, this seizure is followed by a delay of thirty days, so as to afford the party interested some opportunity of either acquiescing with it or of settling. Now, instead of an appeal, my suggestion would be that such a seizure, after thirty days, should be submitted for the ratification of a judge, who should have power to inquire and investigate and decide whether the seizure was legally made or whether it should be released.

Hon. Sir MACKENZIE BOWELL—That suggestion is possibly a very good one, but to carry it out literally would prolong rather than expedite the settlement of the seizure. I wish to be distinctly understood as to what fell from my lips in the shape of a promise—I said I would consider the matter from that standpoint; whether I can get my colleagues to agree with me is another thing. My hon. friend who has just spoken has made a very good suggestion, provided you did not have the delays which would occur after it was referred to the courts. My suggestion was this, that the moment the seizure papers are received the parties upon whom the seizure has been made would be notified and the papers at once sent to the judge. Then let them put in their defence to the judge at the earliest moment they pleased. The only difficulty which presents itself to me is that very question of delay, and a prompt decision is highly important to the merchant, because a merchant may bring in his spring goods and if a question as to the proper duty to be levied on them is raised, and if he is delayed a month or two before the case is decided, the season is over and he may sustain a serious loss. If the decision should happen to be in favour of the lower duty, and he had sold them subject to the decision of the court, he would make something. If on the contrary he had to pay a higher duty, then he would lose that amount. It is not an easy matter to deal with, as those who have had experience will testify. My object is to make it as simple as possible. We all know that in law there are great delays; if matters get into the hands of the lawyers the delay will be more than in the departments. I realize the truth of the statement made by the hon. gentleman from Ottawa that differences occur in the ratings of duty for goods at the different ports. It arises many times in such a way that while the difference of the rating may appear to the outside world as being erroneous and absurd, they may be strictly correct. Sometimes you will get goods that bear a certain rate of duty. They are imported, say, at Montreal, and admitted at a certain rate of duty. Then you go to Toronto and in less than a month the class of goods bearing the same name is so changed as to bring it under another item of the tariff and subject to a different duty. You may call the article wincey; real wincey is made in a certain way and that is rated 20 per cent in one port. Then it would be imported in another port, and known as wincey in the trade, but made of such a mixture of material as to bear a higher rate of duty. The merchant might say "in Montreal they only pay 20 per cent and why do you rate it at 25 per cent here." Until you can put the two articles together, no one can tell whether the officer at Toronto is right or not. Another fact is this: the tariff of to-day may be changed next week, The moment it is changed the manufacturers begin to produce goods that are used for precisely the same purpose in such a way as to bring them under the lower rate. That is going on continually, and just as long as you have different rates of duty upon different articles, and different qualities of goods, and human nature remains as it is—until it arrives at a state of perfection which I do not expect to live long enough to see, more particularly in dealing with custom matters—these differences will arise. The hon. gentleman knows they arose during his own administration. I can produce scores of books of decisions given by my predecessor, the Honourable Mr. Burpee. I find that he had just the same difficulties before this "complicated" tariff of ours existed at all. Difficulties arise so long as you have men all over the country to appraise these goods, and just so long as you have importers who are not scrupulously honest. I suppose they are as bad as politicians in some cases; they try to get an advantage where they can, and that will continue to be the case as long as we have a tariff of different rates of duties. I think I had quite a battle with my hon.

friend on a question that he brought under my notice, when he said he had to pay more duties than he ought to have paid. I have a good defence, but I do not think it is worth while to enter into a discussion on the subject just now.

Hon. Mr. KAULBACH—I read over the petitions, and I am convinced, with the First Minister, that the employment of customs experts would not meet the objects of the trade generally. It would be an expensive board, without securing any adequate benefit, or remove the causes of the alleged grievances, and you could not appoint a board with sufficient knowledge of every branch of commerce. The present board, as constituted, is as good as any we can have. The only question in my mind is with regard to the appeal from any decision of the board. That should be as summary and as prompt as possible and should be to a judge.

Hon. Mr. ANGERS—For a ratification of a seizure?

Hon. Mr. KAULBACH—Yes. I consider that it is all that is necessary to meet the objections to the present system.

Hon. Mr. ANGERS—The objection made to this proposal is the long delay which might take place, and which might be dangerous to trade. If the hon. Minister decides upon bringing in a measure of this kind, I would suggest that provision should be made to allow the merchant to give a bond, pending the decision, so that he could get his goods meanwhile, and not incur the risk of losing the sale.

Hon. Sir MACKENZIE BOWELL—The moment you take a bond, you would have the political pressure brought to bear to release that bond. Such pressure not only exists to-day but has existed from time immemorial, and will continue to exist.

Hon. Mr. SCOTT—The only way is to deposit the duty.

Hon. Sir MACKENZIE BOWELL—That is a practical suggestion, which might be accepted.

Hon. Mr. REESOR—I beg to ask the hon. Minister of Customs whether the regulation of his department continues the same, namely, to rate the duties without regard to the value of the goods, providing they come under a certain head? For instance, suppose canned fish or canned fruits are being imported; the duty on certain canned fruits being very high, of a very superior class, they would put on a certain valuation in Toronto. Then, there are other goods of an inferior quality, being made of an inferior class of goods. Take canned apples, canned pumpkins, canned peaches, canned apricots—there is a great difference in value. I remember importing goods of that kind, although not as a merchant. A debt was owing to me in the United States; I found the party had failed, and I went over, and was obliged to accept such goods as he had on hand. I got an inferior lot of goods, of course, at a low price, and I offered the duty, as specified in the statutes, of 25 per cent of the cost of the goods at the place where they had been manufactured and canned, and where I got them. I could not get them passed in Toronto at those rates. They wanted to put on the highest rate that was put upon a higher class of goods, because they said the cans were got up in the same manner, and they could not tell anything of the value of the contents of the can. They said I might apply to Ottawa, and get a reduction there. I happened to come to Ottawa in the course of a month or two, and I applied to my hon. friend before me. He took me into his office, and sent for the first officer, I suppose, and consulted him. I thought that because a little delay had occurred after the goods came over they might not be so good, and might be inferior, and I wanted the duties reduced on that account, but the department would not do it. I asked my hon. friend, if I brought evidence to prove the value, or had evidence taken in Toronto as to the real value of the goods, whether he would accept that, but he said no. The consequence was the duty they wanted me to pay was all that the goods were worth, and I made up my mind that I would not pay the duty and the freight in addition, so the goods remain where they were. If I had gone into court and got experts to prove what the goods cost I might have obtained them, but the goods did not realize as much as I offered to pay in duties. They realized a very small sum. These things are very annoying to a man who under any circumstances has to

import goods. It is very annoying to have to pay a second value or lose the goods, or go to expense before you can get them. I have never imported goods of that kind since.

Hon. Sir FRANK SMITH—Where they imitations of a better class of goods?

Hon. Mr. REESOR—No, I do not think so. There was the name of the article on the can. It was canned fruit, but very inferior cheap goods. The duties they asked would amount to more than the goods were worth, and more than I had paid for them. I wish to ask whether the regulations are still the same?

Hon. Sir MACKENZIE BOWELL—The regulations in reference to the rate of duty are precisely the same as they have been since Confederation. There has been no change at all. The law provides strictly and positively how articles shall be rated for duty. If the goods bore a specific duty, the quality of the goods would have nothing whatever to do with the rate of duty which the importer would have to pay. They might be valueless, or they might be very good. If canned fruit bore two cents per can, the quality would have nothing whatever to do with the rate of duty to be imposed.

Hon. Mr. POWER—The hon. gentleman said the duty was 25 per cent.

Hon. Sir MACKENZIE BOWELL—Yes I know, but if they bore an *ad valorem* duty of 25 or 20 per cent that rate of duty would be levied upon the value of the goods in the market where purchased, and not what they were worth in Canada. You might bring 100 cans of peaches from the United States and pay 10 cents a can for them, or 20 cents, and when you got them in Canada you might find they were worthless. That would not make any difference, as far as the law is concerned. That would be an incident of which you would have to bear the results of loss or profit, as the case may be.

Hon. Mr. REESOR—I offered the duty of 25 per cent upon what the articles cost, and I thought what they cost me at the place of production was the value.

Hon. Sir MACKENZIE BOWELL—No; you are wrong. You might go to a fruit market in the United States and buy one thousand cans of fruit and the man might say to you, "Mr. Reesor, where are you going to sell these?" You would say, "I am going to take them to Canada." Then he might say, "Well, if you take them to Canada I will give them to you at 20 per cent less than I would sell to my neighbour who deals in them in my market"; you could not have the advantage of that 20 per cent when you came back to Toronto, you would have to pay the duty on the fair market value of the goods in the market where they were purchased at the time of the purchase. Supposing you went to that market and they gave you 1,000 cans, would you have under the law, or would it be right equitable or just that you should bring that 1,000 cans that you got for nothing and compete with my hon. friend on my left or any one else on the market? The law recognizes nothing of that kind. You may get them as cheaply as you please, but the law lays down the principle that, as far as Canada is concerned, we impose the same rate of duty upon you, who obtained the articles cheap as, we do on the man who pays the full market value.

Hon. Mr. REESOR—I anderstand that, but this is not the case of that kind at all.

Hon. Sir MACKENZIE BOWELL—I know nothing of your case.

Hon. Mr. REESOR—I want an answer to my question as to my case.

Hon. Sir MACKENZIE BOWELL—If you would give me the papers and give me an opportunity to examine the value of the goods in the market whence they were exported, and give me time to ascertain the price at which they were sold, I will give you an answer, but otherwise I cannot.

Hon. Mr. REESOR—I cannot do that now.

Hon. Sir MACKENZIE BOWELL—The probability is that it was a job lot, or you may have got them cheaper for exportation than they would sell them for home consumption.

Hon. Mr. REESOR—If I could have sold them for the money I paid for them, I would have been satisfied and would not have imported them at all; but I was willing to pay duty on them on the price I paid and I doubted whether they were worth it.

Hon. Sir MACKENZIE BOWELL—You may have been right or you may have

been wrong. If you bought them cheaper than their market price at the time you would have to pay duty on the value of the goods in the market from whence exported.

Hon. Mr. REESOR—I did not buy them cheaper than the market value. How is a man to prove the market value? Must he go and bring over the people from whom he purchased them?

Hon. Mr. DEVER—I might go to New York for a few days and see goods sold at auction, and purchase, *bonâ fide*, a certain quantity at lower rates than they would be sold by the wholesale merchant. Now, I claim that I should only pay the *ad valorem* duty on what I gave for the goods. I should be allowed to import the goods and simply pay the duty on the price that I honestly paid for them at auction or otherwise? Why should I be handicapped because I happened to get a bargain, because I was fortunate enough to be there and had cash to pay for the goods? Why should I be put on a level with the man who purchases through agents and who may have to pay more than the real market value? Certainly merchants should get all the advantages they can for their wisdom and experience in business, and not be placed on the same level with men who have not had experience. I have always held that view, but I know it is not the view held in the Customs Department. It is a hardship to men who know how to look after their business, to be put on a level with men who do not understand their business. There is no advantage in being clever and capable of buying at the cheapest rates, when you compel a man to pay duty on the same value that is paid by inexperienced men. It is an arbitrary law and should be changed.

Hon. Mr. REESOR—The law ought to be amended.

The motion was agreed to, and the bill was read a second time.

The bill was referred to the Committee of Whole and reported without amendment, and was then read a third time and passed.

## PENITENTIARIES ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (131) "An Act further to amend the Act respecting Penitentiaries."

Hon. Sir MACKENZIE BOWELL moved the second reading of the bill. He said: I will explain the details to-morrow at the committee stage. The general principle of the bill is to create uniformity in the payment of salaries to the different wardens and officers of penitentiaries, in order that there may be no difficulty in making changes between the wardens and deputy wardens of the different penitentiaries. It also provides for the classification of the chaplains as well. So that, when a difficulty arises, or dissatisfaction exists, it may be possible to remove a warden from one penitentiary to another, or where you require an experienced man you can send him to a penitentiary where such a man is required.

Hon. Mr. POWER—While there may be a good deal of force in the argument of the Minister with respect to the desirability of uniformity of salaries in the case of the wardens, I do not think that that extends to the surgeons and chaplains. As a rule, the surgeon is some one who lives at the place where the penitentiary is situated, and the chaplain is in the same position. In looking at the schedules of the bill, I find that the salary of the surgeon is to be $1,500 and the salary of the chaplain $800. Those salaries appear to be reasonable enough for large penitentiaries, like those of St. Vincent de Paul and Kingston, but take the case of a comparitively small penitentiary, like that at Moncton, or the penitentiary in British Columbia or the one in Manitoba; there is no reason why $800 should be paid to the chaplain, or $1,500 to the surgeon at any of those places. A medical man residing at Moncton, or New Westminster, or Winnipeg can very well attend to the local penitentiary—there are comparatively few criminals kept in any of them. It is a great mistake to confine chaplains and surgeons to the penitentiary service with practically almost nothing to do. That is one point to which I propose to direct attention when the bill is referred to committee of the whole. Of course, there is something in what the First Minister has said with respect to the wardens, but why uniformity should go down to all the other offices I do not see. In a penitentiary where there are 400 prisoners, the surgeon, the chaplain, the schoolmaster, the hospital overseer,

the steward and other officials have all a great deal more to do than in a little penitentiary where there may be only 40 prisoners. The net result of this will be to increase the expenditure on penitentiaries.

Hon. Mr. KAULBACH—If a chaplain's duties are to be confined solely to the penitentiary, if he is not to be allowed to perform any service outside of the penitentiary, then I cannot see why the salaries should not be uniform, and the same remark applies to every officer whose time is solely occupied by his duty. In case a change should be necessary from one to another of the institutions, there would be no difficulty in making the change if the salaries were uniform. An officer would have a disinclination to change to another penitentiary if his salary would, by that change, be reduced. In the interests of the service generally, I think the salaries should be uniform especially if the duties and services are to be confined to the institution, so that those objections would not arise, as they have arisen with regard to the penitentiary in British Columbia, I believe the salaries there are not equal to those in other penitentiaries, and improvements, which were desirable, could not be made in consequence of officers being unwilling to change at a pecuniary loss.

The motion was agreed to, and the bill was read the second time.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Friday, 19th July, 1895.*

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

## THE PRINTING OF PARLIAMENT.

FIFTH REPORT.

Hon Mr. READ, from the Joint Committee on the printing of Parliament, presented their fifth report. He said: The two reports which this report amends provide for an increase of pay to a Mr. Chamberlain, which has been objected to, and it also recommends that an increase to another person whose name I do not recollect, should commence in 1892. This report recommends that the increase should commence the 1st of July this year instead. The other reports recommends that a certain man, by the name of Meehan, be employed in the distribution department at $400 a year. This report recommends that he be paid for this session, as he has been employed this session at the same rate as a sessional clerk. The former report recommends that three copies of a certain map be sent to each member of the House of Commons and each Senator. This report amends the former report by providing that only one be sent to each member of the House of Commons and each Senator. I may say that this is an economical government; they do not wish to increase the expense. I believe the Finance Minister objected to these recommendations of the committee, whose members perhaps did not feel that they had to furnish the money themselves. I move that this report, in conjunction with the two other reports to which it refers, be taken into consideration at the next sitting of the House.

The motion was agreed to.

## EXTRA SITTINGS.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That for the remainder of the session there be two distinct sittings of the Senate upon each day of the session, the first of such sittings to begin today at three o'clock in the afternoon, and to continue until six o'clock in the afternoon, unless the Senate be sooner adjourned, the second of such sittings to begin at eight o'clock in the evening, and to continue until such time as the Senate adjourns, each of such sittings to be considered as a distinct sitting.

The motion was agreed to.

## MONTREAL HARBOUR.

INQUIRY.

Hon. Mr. DESJARDINS—I wish to call the attention of the First Minister to the fact that the documents relating to the harbour of Montreal, which he has laid on the table, are not complete. The most important document is missing—the report of the three engineers appointed to make a complete investigation of the question. Perhaps the hon. gentleman would be able to inform the House whether he has received any official notice with reference to the removal of the embargo from Canadian cattle. This morning's *Citizen* contains the following item:

It is reported that the Belgian government is about to authorize the importation of several ship-

ments of Canadian cattle and if they prove satisfactory the embargo will be removed.

Hon. Sir MACKENZIE BOWELL—Yes, I had an intimation from a Belgian gentleman, unofficially, however, that the Belgian government were prepared to remove the embargo upon certain conditions. Just before coming to the Senate I received the following cable from Sir Charles Tupper:

Am informed by Van Bruyssel that Belgian Government instructing Consul at Ottawa by mail that they will permit experimental shipments of Canadian cattle to Belgian ports, October, November and December, and will remove the embargo altogether if no pleuro-pneumonia is discovered.

It is very satisfactory, and as I have every reason to believe that there is no such disease in Canada, we may at least look forward to have the embargo removed entirely so far as Belgian ports are concerned. The moment I got this I sent a copy of it to the leader of the other House in order that he might give the same information to the Commons.

## THIRD READING.

Bill (140) "An Act further to amend the Customs Act."—(Sir Mackenzie Bowell.)

## SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (143) "An Act further to amend the Act respecting the Senate and the House of Commons."

The bill was read the first time.

Hon. Mr. FERGUSON moved that the 41st rule be suspended with respect to this bill.

Hon. Mr. POWER—I object to the suspension of the rule. This is a bill which should not be passed at all, and under the circumstances the rule should not be suspended.

The second reading of the bill was fixed for the next sitting of the House.

## BILLS INTRODUCED.

Bill (145) "An Act to authorize the Treasury Board to exempt certain societies from the operation of the Insurance Act."—(Sir Mackenzie Bowell.)

Bill (120 "An Act to amend the North-west Irrigation Act."—(Sir Mackenzie Bowell.)

Bill (144) "An Act further to amend the Winding Up Act."—(Sir Mackenzie Bowell.)

Bill (142) "An Act to encourage Silver-lead smelting."—(Mr. Ferguson.)

Bill (121) "An Act further to amend the North-west Territories Representation Act."—(Mr. Ferguson.)

Bill (51) "An Act further to amend the Criminal Code, 1892."—(Sir Mackenzie Bowell.)

## SOUTH SHORE RAILWAY COMPANY'S BILL.

FIRST AND SECOND READING.

A Message was received from the House of Commons with Bill (88) "An Act respecting the South Shore Railway Company, (Limited)."

The bill was read the first time.

Hon. Mr. KAULBACH moved the suspension of the 41st rule of the House with reference to this bill.

The motion was agreed to.

Hon. Mr. KAULBACH moved the second reading of the bill. He said: There has been a conflict between two companies which I believe has been amicably arranged in the other House. All the debts of the old company are to be liquidated. The costs of litigation are assured, and the charter of the old company is not to be revived. It will be thoroughly discussed in committee.

The motion was agreed to and the bill was read the second time.

## DOMINION OF CANADA TRUSTS COMPANY'S BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (100) "An Act to incorporate the Dominion Trusts Company."

The bill was read the first time.

Hon. Mr. CLEMOW moved the suspension of the 41st rule with respect to this bill.

The motion was agreed to.

Hon. Mr. CLEMOW moved the second reading of the bill.

Hon. Mr. MACINNES (Burlington)—I have received a telegram that there is another company with very nearly the same name, and it is desirable that we should not have two companies doing the same kind of business under similar names. I suppose the proper place to have the name of this company changed will be in the Committee on Banking and Commerce, to which it is to be referred.

The motion was agreed to and the bill was read the second time.

## INDEPENDENT ORDER OF FORESTERS BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (84) "An Act to amend the Act incorporating the Supreme Court of the Order of Foresters.

The bill was read the first time.

Hon. Mr. CLEMOW moved the suspension of the 41st rule with respect to this bill.

Hon. Mr. SCOTT—This is an opposed bill. There has been a very considerable expression of opinion against the policy of allowing this legislation to go. The gentleman who is the chairman of the Banking and Commerce Committee regretted that he was obliged to leave before the bill could be considered, and therefore I think it should not be pushed on till the copies of the bill are in the possession of hon. gentlemen. The chief objection to it is that they propose that the beneficiaries shall receive hereafter $5,000 instead of $3,000, and the last amendment in the House of Commons Bill contained a very extraordinary clause which allowed any member of the order to leave at any time and join at a subsequent period; in the meantime he did not forfeit his position, except that during the time he was in arrears he would not receive any benefits, but the amounts that were due from him were not collectable. It became merely optional whether he should pay them or not. I then had the curiosity to turn up their last return and found that the society last year received from all sources $700,000 odd. Those are the receipts of every kind; and the expense of management was $136,000 which was rather an extraordinary condition of things, showing that the society was rather run for the officers. The actuaries and insurance companies in Ontario, and, I believe, in Ottawa, declared that it was a very dangerous permission to give the society. It means that the society would become in a very short time insolvent if permitted to obtain the amendments proposed.

Hon. Mr. OGILVIE—There are other grave objections to the bill besides those mentioned by the hon. member for Ottawa. While they are a benefit society, so-called, it is all very well; but if they are going to make it an insurance company, then they had better come under the insurance laws. The life insurance companies have to submit to all the directions of the inspector of insurance here. We are dictated to as to how we shall invest our money, and how we are to keep what amount we have on hand to meet the policies of those who may become claimants upon the company, so that they may be perfectly safe. While these were benefit companies for amounts ranging from $500 to $1,000 or even up to $3,000, there was nothing said about them, but if life insurance companies have to undergo all those restrictions and this society wants to take the place of life insurance companies, there is no objection to their doing that at all, but let them come under the life insurance laws just the same as life insurance companies do, and then there can be no objection, except the one spoken of by the hon. member for Ottawa—that is, that they are not generally so well managed as a good life insurance company is. Life insurance companies have the very best men to manage their affairs. We know that the men who have charge of this society do not possess the same ability, because they are not paid as well to look after their affairs; and I am afraid that as years go on many of those who have been paying their monthly dues will find that their money is lost. The society now want $5,000, and in that same circular they say that it should be $10,000. There is no doubt if they get $5,000 now they will want $10,000 soon, and those who have been paying in their dues I am afraid in many cases will find that the society will go to pieces and there will be nothing to

pay claims against them. Our good and paternal government, who have passed laws to make insurance companies good and secure, should be just as particular about making the societies safe for the public. There are three or four reasons why this society should not be allowed to increase beyond the present amount. They have already reached the limit to which they should be allowed to go. Even in the other House, the chairman of the committee was satisfied that I was right.

Hon. Mr. SCOTT—I have the bill before me now, and the clause to which I made reference reads in this way:

> No person who is, or who has been, or hereafter becomes a member of the order shall be liable for any assessment, dues or fines to the order or for any debts or liabilities of the order, but all payment of assessments, dues or fines shall be voluntary on the part of the member: provided always that during the time any member is in default with respect to any assessments, dues or fines such member shall not, nor shall his beneficiaries, be entitled to any pecuniary benefits of the order.

In the case of an epidemic, the members may drop out and decline to pay their calls. You are interfering with the law of the land. They have entered into a compact with the company to pay those dues, and here we declare that they shall be exonerated and it shall be perfectly voluntary. We have not authority to disturb civil contracts. That is a question purely within the jurisdiction of the province. Civil rights are, we all know, an adjunct of provincial power and this parliament has no right or authority to deal with the subject. We cannot cancel those contracts already made under the law of the province. I shall object to the passage of the bill and take a vote on the second reading.

Hon. Mr. CLEMOW—That amendment was proposed in the House and adopted. The association now has a reserve fund to the amount of $1,500,000, and a very large number of the parties interested in this association are men of considerable means and good standing in society, and will be able to meet any obligations they incur. As I understand, the whole point involved is whether they should be allowed to issue policies for $5,000 instead of $3,000. The original bill gave them power to issue policies for $3,000. The principle is affirmed, and all they want is that the amount shall be increased to $5,000.

Hon. Mr. SULLIVAN—What is the annual payment?

Hon. Mr. CLEMOW—About one-half of what is charged by insurance companies, or less, but they are satisfied. The society is well managed, and is perfectly willing to come under the provisions of the Dominion Insurance Act, I believe perfectly willing to pay the $100,000, and to be subject to the inspection of the government inspector of insurance. They are willing to comply with all those conditions. I have nothing to do with the bill, but was simply asked to take charge of it. They went into a searching inquiry in the other House and decided to grant the society the privilege conferred by the amendment read by the hon. member from Ottawa. There are parties who think that $5,000 is little enough to give to any family in case of death. If they can do that, it affects no person but themselves, and in the event of the company becoming insolvent, these original parties are still liable to be called upon for the assessments. In that case they would pay everything due to parties sustaining loss. However, these matters can be better discussed in committee. I think we will satisfy the committee that they are acting in a becoming manner and deserve to obtain the concession they ask at the present time.

Hon. Mr. KAULAACH—I do not know what the bill is, but if it comes under the superintendence of the inspector of insurance——

Hon. Mr. SCOTT—No, it does not.

Hon. Mr. KAULBACH—Then, I think we should not grant them this extended power. We should place some guard on them and provide some means by which supervision should be had of the financial condition of the company.

Hon. Sir MACKENZIE BOWELL—The suggestion made by the hon. member from Lunenburg seems to me to have a good deal of force, and if I might also make a suggestion, I think as this principle of insurance is not as well and fully understood as what is termed "old line policies of life insurance,"

it would be well if my hon. friend would not push his opposition to the extent of a vote upon the second reading, but would allow it to go to committee where those who are interested in the measure could make the full explanations that are necessary in order to arrive at a proper understanding of the whole question. The bill has objectionable features, but this society I believe is surrounded—I am speaking now subject to correction—by protection which does not exist in many societies of a similar character. That is why I suggested the propriety of allowing the second reading to take place, and then have a full discussion in committee by those who understand it better than any one here, and who would give us all the information required. I cannot see that the objection used by the hon. gentleman from Ottawa should have any particular force. If my recollection serves me right, the expense attending the management of the vast and extensive business of this society is much less than that of the general life insurance companies of the country. According to the statement of the hon. gentleman, it is some 15 per cent. If you look at the returns of the expenditures connected with a large insurance company, you will find the expenses are a good deal more than 15 per cent. Then the other objection as to what might occur in an epidemic, I think should not be considered. That would be just the time the parties would not withdraw. If there were an epedemic, and likely to be sickness and death, that is the time I would try and scrape up money to keep my policy good, so that my family might receive some money in case the epidemic seized me. The danger that the hon. gentleman suggests as being an objection to this bill is, to my mind, the strongest possible argument that could be advanced in its favour. It is true that if an epidemic were so extensive that the demands upon the funds of the assured were so great that they could not be met, there might be some force in the objection ; but that would apply to all insurance companies existing.

Hon. Mr. CLEMOW—And particularly to mutuals.

Hon. Sir MACKENZIE BOWELL—Yes. Under the circumstances I think it would be as well if my hon. friend would allow the bill to receive its second reading and go to committee without a vote.

Hon. Mr. SCOTT—The inspector of insurance companies was before the committee in the other House and objected to the bill as being against the whole policy with respect to insurance companies.

Hon. Sir MACKENZIE BOWELL—Nevertheless the House of Commons passed it.

Hon. Mr. SCOTT—I insist on my objection.

Hon. Mr. REESOR—Inasmuch as the bill gives the society the right to issue larger policies than they have the right to issue now, it should be placed in such a shape that the policies would be equally safe with those of the regular insurance companies ; otherwise their own members would be the sufferers. The great mass of the people are not in a position to look into such affairs for themselves. They take them on trust. While the society might get on very well as a beneficiary organization to secure small amounts to their members, they may not so manage their business as to secure larger amounts.

Hon. Mr. CLEMOW—In view of the objection, I move that the bill be read the second time at the next meeting of the House.

The motion was agreed to.

## FIRST AND SECOND READINGS.

Bill (46) "An Act to incorporate the Trans-Canadian Railway Company."—(Mr. Clemow).

Bill (105) "An Act to incorporate the Ottawa Land and Security Company."—(Mr. Clemow.)

Bill (98) "An Act respecting the Quebec, Montmorency and Charlevoix Railway Company."—(Mr. Clemow.)

Bill (75) "An Act to revive and amend the Act respecting the Lake Manitoba Railway and Canal Company.—(Mr. Clemow.)

## SHORE LINE RAILWAY COMPANY'S BILL.

COMMONS AMENDMENTS CONCURRED IN.

A Message was received from the House of Commons to return Bill (H) "An Act

respecting the Shore Line Railway Company," and to acquaint the Senate that they had made certain amendments thereto.

Hon Mr. POWER—The Bill which we sent down from this House left the legislation of the province of New Brunswick in operation. In the House of Commons they thought that it was better that this company should be altogether under the authority of the Dominion Parliament, and they have inserted in this bill the clauses of the model railway bill which we have adopted here, so as to bring this road, and the company which manages it, completely under the control of the Dominion Parliament. The amendments have been examined by the law clerk and are accepted by the promoters, and I therefore move that they be concurred in.

The motion was agreed to.

## PENITENTIARIES' ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (131.) "An Act to amend the Act respecting Penitentiaries."

(In the Committee.)

On the third clause :

Hon. Mr. POWER—I think that clause should be stricken out. The Penitentiaries' Act, very wisely I think, provided that the surgeons and the chaplains might do other business than attending to the penitentiaries. This amendment proposes to alter that and to provide that the surgeon and chaplain shall not be allowed to do anything beyond attending to their duties in the penitentiary. If we refer to the last report of the Minister of Justice on the penitentiaries, we shall see how much work some of those officers will have. I take the case of the British Columbia penitentiary. I find that the Protestant chaplain on the 30th June, 1894, had under his care 76 convicts, and that the Roman Catholic chaplain had at the same time under his care 32 convicts—108 convicts in all. The penitentiary is situated in a rather healthy place, judging from the surgeon's report. It surely does not require all the time of the surgeon, or one-tenth of his time, to look after the physical health of 108 convicts, and it certainly does not require all the time of the two chaplains to look after the spiritual health of the same convicts. I think the old system should be adhered to. The number of convicts in Dorchester penitentiary is a little greater than in the British Columbia penitentiary. At Stony Mountain, in Manitoba, there are only 75 altogether, and it is perfectly absurd that there should be two chaplains and a surgeon attached to each institution who are not allowed to do anything else than attend to the convicts. We know that idleness is the mother of nearly all evil, and if the chaplains have nothing to do, as will be the case most of the time, they may get into mischief. Then the effect on the surgeons will be even worse. I appeal to the hon. gentleman from Kingston, although I know how desirous he is of supporting every measure introduced by the government, if he does not think that the surgeon who has nothing else to do but to attend to 100 healthy men is not likely, in the course of a few years, to become unable to properly discharge his professional duties. No matter how well a man may be up in his profession, if he goes out of it altogether, as he would in this case, for five years, he ceases to be qualified. We have got along very well under the present system for 28 years. I presume the hon. First Minister will say that it is high and dry Toryism to say that, but there is this to be said about it, we are not aware that any very serious abuse has arisen. As I understand, the whole change is the result of the trouble in connection with the British Columbia penitentiary. We have had several Ministers of Justice ; I do not say that they all had as much ability as the hon. gentleman who now fills the position, but they were men of considerable wisdom and prudence, and all those Ministers of Justice during the 28 years did not think it necessary to make this change, which has been deemed necessary within the first six months' incumbency of his office by the present inspector of penitentiaries. While I am not opposing the bill, I think this particular provision should be stricken out, and that we should allow those convicts to have the services of a practicing medical man who will be up in his business, and that we should not tie up so many clergymen, of whom the supply is rather limited, in those small institutions. It is right enough in Kingston and St. Vincent de Paul, where

there are a large number of criminals, that the services of those officers should be given exclusively to the criminals. I doubt if it be wise; still it is not very objectionable, but it is objectionable in the extreme in the smaller institutions, and I move that this clause of the bill be stricken out.

Hon. Mr. SULLIVAN—As the hon. gentleman has appealed to me, I may just remark that I do not think the chaplain and the surgeon should be linked together, because we can understand it will take as much labour for the chaplain to minster to five as to 500. Supposing he had to read prayers twice a day, as I think they are required to do, it is immaterial how many you read prayers before. Therefore the Protestant chaplain would have the same labour in one institution that he would have in another; a Catholic chaplain would probably have a little more labour in the larger institution. With regard to the surgeon, there is a good deal of force in what the hon. gentleman has said, and I do not think that the salaries ought to be uniform at all. There is no comparison between the amount of labour which the surgeon would have in attending the Kingston penitentiary and the labour in an institution with say 40, 50, 100, or 150 people. I do not think it would be wise in a smaller penitentiary not to allow the surgeon to practice outside, because such practice would help him to keep up in his profession. There is nothing in which a man will go behind faster or more thoroughly than in the practice of surgery. Therefore I think it would be wise to make a gradation. The surgeon in any of the large penitentiaries, where there are 700 or 800 convicts, has to attend to all the officers of the prison and their families also, I think; that would give him abundance of work and keep him occupied, but in a smaller penitentiary I think there should be less salary, and we should allow the surgeon to practice outside. His experience in the prison would be of some value, and it would be well to promote him. I do not know what the intention of the government is as to that. I presume they have taken the opinion of all the officials of the institutions and of men who have had experience, and therefore I would hesitate very much to interfere with any of their views as embodied in this bill, backed as it is by experience and by an uncommon degree of intelligence. The only objection that I see is that the salaries of the surgeons are made uniform in all the prisons. I do not see any possible similarity between the penitentiary in Kingston and the one at Stony Mountain, or the one in British Columbia, and I think that if a change could be made in that respect without mutilating the bill, it would be for the better.

Hon. Mr. SCOTT—One cannot discuss the clause without reference to the schedule of salaries and I fail to see what prompted the government to place the salaries all on the same level where the work is of so different a character. I find, in looking at the returns of the Stony Mountain penitentiary that the whole number of convicts under the Protestant chaplain was 49, and the whole number under the Catholic chaplain was 22. It is proposed to give $800 to each clergyman, although the services of the two must be very much less than of one at Kingston or St. Vincent de Paul. At Kingston there are, on an average, 500 convicts. The difference is so marked that one fails to see the reason for making the salaries uniform. The services are altogether out of proportion. Kingston penitentiary has an average of 500 convicts, St. Vincent de Paul, 400.

Hon. Mr. CLEMOW—Kingston about 600.

Hon. Mr. SCOTT—Dorchester, 175, and Manitoba about 75; the disproportion of convicts is so very large that it would seem an unwise proposal to put the salaries on the same basis where the services are so very different.

Hon. Mr. KAULBACH—I do not think the quantity of services rendered should make any difference in the salary as long as the officer is not permitted to do any work outside. The clergymen are zealous in their work, and do all the good they can. The same may be said of the surgeons: in the large institutions, such as Kingston, they have officials under them. If the intention is that there should be no work done outside the penitentiary by the surgeon or clergyman, their salaries should be equal, but if they are allowed to go outside and practice, then there might be a difference in the salary. Sometimes there are frictions in some of the institutions, and it is desirable

to change officials from one institution to another, and there has been a great difficulty I understand in getting some officers to make that change when they would not get the privileges in one that they enter that they enjoyed in the one they leave. I approve of the change. I believe it will be advantageous to the institution, and therefore the salaries should be made equal.

Hon. Sir MACKENZIE BOWELL—One of the principal objects in establishing a system of uniformity is to enable the penitentiaries to be governed on one general principle, and to enable the government to move an official, at any time they deem it desirable, from one institution to another. Hence the regulation of the salaries, which, apparently, are unequal. There is some force in the statement that a penitentiary with 500 or 600 convicts should have a man who understands his business, and might very properly be said, if it were confined to that statement, that his duties would be more responsible and greater than in a smaller penitentiary, until you come to look at it from its practical working and practical operation. Kingston penitentiary has 500 or 600 convicts. The warden in that penitentiary has a number of officials under him to assist him in the management of the institution. The physician, instead of having to do all the work himself, has a laboratory presided over by chemists and those who can render the assistance necessary in the proper discharge of his duties. So that while, apparently, the work and the responsibility are greater, it is not so. The man who has the management of a smaller penitentiary requires to be a man of as much energy and knowledge of the work which he has to perform as the man who occupies a similar position in a larger institution. The salaries, bear it in mind, apply only to the future and not to the present incumbents. If a physician seeks employment in a penitentiary, and is prepared to accept it at the $1,500 per annum, which is a larger salary than is now paid, with the understanding that he is to give his whole time and attention to the duties of his office, to look continuously after the work of the penitentiary, he knows what he is doing and he need not accept the position unless he pleases. The same remark applies to the other occupations. If you require the full service of a physician and he knows when he is appointed that he is precluded from earning money by practising his profession round the country, why should you object to his accepting the position upon those terms? If he does not like it, all he has to say is "I do not want it." All I can say is, that with the prospect of a vacancy in the Kingston penitentiary to-day I can show a large pile of papers of applicants for that position, all from good men in Kingston and outside of Kingston. I had a visit from my hon. friend, who accompanied an applicant who was quite willing to take that place—a physician who occupies a prominent position in Kingston. There is no difficulty in filling those positions, and why should outsiders be so solicitous about men seeking employment under government for fear they will not get enough remuneration? That applies with the same force to chaplains. There are some chaplains, both Catholic and Protestant, who attend to their duties with a great deal of assiduity and devote their time, energy and ability to promoting the welfare of the convicts. There are others, again, both Protestant and Catholics, who devote their whole time to their parish, paying very little attention to their duty in the penitentiary, making it in fact a secondary consideration altogether. As long as they know they can get $800, they devote their time and attention to outside work rather than to that for which they receive government pay. A full investigation into the salaries paid in Anglican churches and Roman Catholic churches shows that $800 is a higher average than is paid to the whole of the clergymen of the Dominion. That may seem strange, but it is the fact. It only proves that men of education, who devote their whole time and attention, to the welfare of their fellowmen, do it at a salary which is scarcely more than is paid to an ordinary clerk. It is believed, after thorough investigation, that it is much better that there should be a fixed salary, and that the person who attends the prison should give his undivided attention to it. Mark you, I say again, it does not apply to those who now hold positions, it only applies to future appointments. I have a memorandum in my hand made by the inspector, which is the result of an investigation into the subject, and as this clause which applies to surgeons and chaplains, appears to be the most objectionable, I take the liberty of occupying the attention of the Senate by

reading portions of it. I may say, parenthetically, that I differ from my hon. friend behind me who thinks that chaplains and surgeons should not go hand in hand. One attends to the needs of the present life; the other tries to fit them for a future life. So that while the surgeon is performing his duties, certainly he ought to allow a clergyman to be present to prepare the convict for the future. In the paper before me it is stated that, from the very best information that can be gained, the average salary of clergymen in Canada in charge of parishes is about $700. This may be surprising to some, I know it was to me when I saw it, because I thought it was much larger. He adds:

The average salary of clergymen in some of the non-episcopal churches is slightly above that.

Hon. Mr. POWER—I do not think anyone questioned the amount of the salary at all.

Hon. Sir MACKENZIE BOWELL—I do not think it is too much. On the contrary I scarcely think it is enough. Where you appoint a man to perform such duties I should not object if it was made $1,000 instead of $800—

The duties of a prison chaplain are responsible, but not nearly so onerous as of those engaged in parish work. No travel is required and therefore no expense for horses, carriages, &c., which is an important item, especially in country congregations and parishes. Several of the chaplains at present employed are excellent and industrious men, but it cannot be said that the average ability of prison chaplains is above that of other clergymen.

The Canadian system of dual chaplaincy is almost unique—only one or two other countries having adopted it. The almost universal system is the appointment of one clergyman who acts as "moral instructor," and who engages, from time to time, such gratuitous help from the various denominations as he is able to secure. The Canadian system is much more expensive, but is more consistent with the acknowledged intention of the Canadian constitution, which recognizes the two distinct lines of religious thought in the country.

That is in justification of the appointment of Protestant and Roman Catholic clergymen to attend to the spiritual wants of the convict:

As to the principle of making the chaplains exclusively prison officers, it is necessary to point out that at present many of the chaplains do not regard their prison duty as their more important one. The Government is responsible for supplying adequate means of religious instruction to its wards, and it is submitted that the Government—and not the several denominations represented—should be the judge in this matter. There would seem to be a poor justification for the expenditure as at present for salaries (at least fifty per cent above the average salary of clergymen) while the Government receives but an undefined moiety of the clergyman's services.

He then gives reasons why the Parliament of Canada adopted the present system instead of adopting that of European countries. With reference to the surgeons, I find a memorandum in which the inspector says that the intention of the Government is, in this respect, to secure the whole services of the officers:

No government can afford to ignore its responsibility in connection with the health and lives of its wards, and the present system, by which surgeons are permitted to augment their salaries by outside practice, makes it more than probable that in cases of accident or other emergency, the surgeon will not be available.

It is very natural. If you have a physician who can carry on his practice in a large city like Kingston, or in a city like Newwestminster, or Winnipeg (although Stony Mountain is some little distance from the city) and there is a case of a serious character in the city, and the physician happens to be an eminent man in his profession, he would be sent for and during his absence there would be no physician to take care of the convicts or officials in case of sickness or an accident. Experience has led the inspector, after a thorough examination and a good deal of assiduity in studying this question, to the conclusion that the system proposed in this bill is the best to be adopted, and that the difference in the responsibilities, which apparently rests on the shoulders of a warden and the officers of the different departments, are not so great as appear at first sight for the reasons that I have already given—that is, that in a penitentiary with a large number of convicts the warden has a large number of officers under him to assist in the work, while in a small penitentiary the warden has to do a great deal of the work personally.

Hon. Mr. CLEMOW—Will they not have the same assistance in the small penitentiaries?

Hon. Sir MACKENZIE BOWELL—Certainly not, because the work in a small

penitentiary is done by the one man. In a large penitentiary the warden has a staff under him, just as the manager has in any other large establishment. In a small establishment you may have a foreman to take charge of a department and he does it thoroughly without assistance. In a large establishment, in which a corresponding department is four or five times as large, the foreman must have an assistant under him, so that in fact the responsibility in the one case is as great as in the other. This whole question was thoroughly discussed in the House of Commons, and the system now proposed was thought to be the best that could possibly be devised, and the House of Commons were quite willing to give it a fair trial. I hope the Senate will not frustrate the object which the government has in view. I congratulate my hon. friend opposite—no, I cannot do that, I must withdraw the congratulation—with reference to his Toryism. He is altogether too much of a Tory for me. I have a reputation for being pretty fixed in my views as to what are termed vested rights, but I confess I am sufficiently liberal to accept reforms, though a system may have been in existence for a quarter of a century, and that is the true principle of Liberal-Conservatism.

Hon. Mr. DICKEY—I agree with the hon. gentleman who moved to strike out this clause, that the law as it stands is better than it would be if this bill were to become law. If we look at the bill that is now before us in an impartial manner, we shall find that it is not at all in the interest of economy in the administration of justice in this country. But we will, perhaps unconsciously, make a great mistake if we strike out this clause, because it would leave the law as it now stands, and the person who may be appointed hereafter will not only receive the increase of salary, but will also be at liberty to practice outside the asylum. Therefore, my hon. friend's views would not be carried out. They are views which I certainly concur in, but they can only be carried out by reducing the salaries specified in the bill. Then the constitutional question would come in. We would be interfering with affairs which are assigned to the lower house exclusively. We talk of the promotion of officers from small penitentiaries to large penitentiaries, but we should hardly think of placing the whole of the officers attached to those different penitentiaries on the same footing as regards salary; we should rather lead them to look at a change as an opportunity for improvement in position and an increase in salary. This is a bill originating in the other House, and I feel it would be perfectly futile to adopt the amendment. We should only make the bill worse than it is now. We should then be giving $1,500 to each surgeon and permitting him to practice outside of the institution. We should be giving a chaplain $800 leaving him at liberty to pursue his vocation outside. This bill is open to the objection of increasing the salaries unnecessarily, because it is quite apparent that any medical man would be quite willing to take two-thirds of his salary, instead of the salary mentioned in the bill, and be at liberty to practice outside. You would save in that item $500. Similarly the chaplain could be a chaplain residing in the locality, who could attend to the penitentiary in addition to his regular duties for much less than this amount. I do not intend to take part in this discussion; I simply rose to show what the effect would be if the amendment were carried.

Hon. Mr. CLEMOW—At first sight it does appear an anomaly to pay a warden of a large penitentiary the same salary that you would pay to the warden of a small penitentiary. Of course it is stated that this is done for the purpose of equalizing the salary, so as to make it easier to transfer the officials from one place to another. How will it be in those small institutions? The official receiving in a small institution the same salary that he would get in a corresponding position in a large institution, would be quite willing to remain where he is. I presume in most penitentiaries two chaplains are required, one Protestant and one Roman Catholic, but one may have a large number of convicts to look after, while the other may have but a small number. So far as the surgeons are concerned, in the smaller places they are paid very well, and they can always have the assistance, I suppose, of some of the convicts. I presume that is part of the duties of the convicts. Are those parties entitled to anything else—free lodging, free lighting, or anything of that kind?

Hon. Mr. SULLIVAN—When the government have them they give those privileges; when they have not, they do not.

Hon. Mr. CLEMOW—It seems extraordinary that the warden in the Kingston penitentiary, with a large number of convicts, having a very great responsibility upon him, shall receive only the same remuneration that is paid to the man in charge at Stony Mountain.

Hon. Mr. McMILLAN—He gives his time.

Hon. Mr. CLEMOW—He may give his time, but he has not the same responsibility. There ought to be a schedule of rates, and the officials should be paid in proportion to the services they render. I suppose this bill has been well considered by the department, and they have come to the conclusion that these changes are desirable; but the Penitentiaries Act has worked well in the past. The government have reduced the salaries in the larger institutions, and increased the salaries in the others. I cannot understand the principle on which the bill is based. What were they paid before in the smaller institutions?

Hon. Sir MACKENZIE BOWELL—They averaged at Kingston from a minimum of $2,600 to a maximum of $3,000;—that is for the warden. The present proposition is to give him $2,000, with house rent, fuel and light free. They are not entitled to fuel and light now, so that when you come to take the difference between that and $3,000, you will find that it is very trifling.

Hon. Mr. CLEMOW—What is the smallest one?

Hon. Sir MACKENZIE BOWELL—In British Columbia the maximum is $2,400.

Hon. Mr. McMILLAN—What does the surgeon get at Kingston now?

Hon. Sir MACKENZIE BOWELL—$1,400. At New Westminster he gets $600. At Kingston the minimum for a surgeon is $1,400; the maximum, $1,800.

Hon. Mr. SULLIVAN—All the criminal lunatics are in the Kingston penitentiary, and the surgeon gets an additional amount on account of that.

Hon. Sir MACKENZIE BOWELL—In Kingston the warden has the deputy and he has a chief keeper—there are two assistants. In the smaller penitentiaries the warden has only one assistant.

Hon. Mr. CLEMOW—It looked to me rather strange to pay the same rate in all the institutions. I presume, according to this, there will be a saving on the whole, and that is probably what has actuated the government, but I should much rather have seen a scale commensurate with the services performed. Of course the gentlemen who have investigated the matter understand the necessity of the change much better than we can.

Hon. Mr. POWER—The first Minister has discussed this question to some extent as though we were now considering the whole bill. The motion before the committee is to strike out clause 3 of the bill. The effect of that clause is to prevent the surgeon and the chaplain from attending to any duties outside of the penitentiary. It should be borne in mind that when we talk about experience, on which the hon. gentleman from Rideau dwelt a good deal, that we have not only a new Minister of Justice but also a new inspector of penitentiaries. No doubt he is a capable officer, but I think, with a little more experience he will be better. The conclusion to which he would arrive after two or three years' experience would probably be a good deal more valuable than those which he has arrived at after six months experience. I think that would be true of anyone in any office. The First Minister also seems to think that I took it for granted that the chaplains under this bill were not getting enough pay. On the contrary, I think for the services which those chaplains are expected to render in the small penitentiaries they are being paid too much, and the same with the surgeons. The First Minister stated that the reason why the department put these officers on the same footing was that they wanted to be in a position to transfer them from one penitentiary to another. That might be true of the warden, the deputy warden, or even of some of the inferior officers, but it is not true of the surgeon and the chaplain. You do not want to move the chaplain from St. Vincent de Paul, to New Westminster penitentiary, or *vice versa*. The first Minister seemed to think that I was speaking altogether in the interests of the chaplains and the surgeons. I was

speaking in their interest to this extent—if you give them enough to do they will be better and happier men than they will be in the small penitentiaries under this measure. But I was thinking also of the interest of the inmates of the penitentiaries. The hon. gentleman from Kingston had to admit, as any professional man must admit, that where a medical man is tied down to a small institution and has nothing to do outside—where his duties are confined to looking after fifty or sixty robust men—that man will, in the course of time, become disqualified for his position, so it is in the interests of the inmates of the penitentiary as well as in the interest of the surgeon that he should not be prevented from practising outside. We propose under this bill to pay a surgeon, who has to attend to the physical welfare of seventy-six convicts in the Manitoba penitentiary, a salary of $1,500 a year. The thing is perfectly absurd. To look after the spiritual interests of these seventy-six convicts we are to pay $1,600 to two chaplains. That needs only to be stated to show its absurdity. If the hon. First Minister were in opposition to a government which was to propose such a measure he would make the welkin ring in denunciation of the extravagance of the government. These chaplains will have very little to do, and they will cease to be as well qualified as they would be if they had enough to do.

Hon. Mr. FERGUSON—I do not think the objections made by the hon. member from Halifax are not very strong. It must be borne in mind that this bill only applies to new appointments. It has no bearing whatever on the officials employed at present in the penitentiaries of the country. The contention that in the small penitentiaries a smaller salary ought to be paid, implies that an inferior man would answer in those penitentiaries. I contend that even where there are only a few convicts they require as good a warden, as good a surgeon and as good a chaplain as in the larger penitentiaries. The principle is a decidedly bad one of allowing a surgeon, at all events, to do any outside practice. He should be confined to the duties of the public institution with which he is connected, and should not be allowed to follow any outside practice whatever. It will be found universal wherever that principle prevails, that business which brings him remuneration in addition to his salary, will receive a greater amount of attention, and on the other hand, the business for which he receives a stated salary, whether he attends to it closely or not, will not receive the same attention. I am not of the opinion at all, that because a smaller number of convicts are under the surgeon, that on that account he becomes disqualified. If he does not practice much, he will read up more. During the time that a student is qualifying himself for his profession he cannot have any practice at all; he is reading up and improving himself, and the same will hold good of the surgeons in penitentiaries. There is a very good reason in favour of having the salaries equal all round; it will greatly facilitate the administration. Reason may arise why even the chaplain should be removed from one penitentiary to another, and in the case of other officials those reasons are more likely to come into existence, rendering it necessary, for the better administration of the service, that they should be removed from a penitentiary in which they are employed, to some other penitentiary in another part of the Dominion. Where the salaries are unequal it becomes almost impossible to make such changes in the interests of the service. I do not think anything at all of the objection of the hon. gentleman from Halifax, that because the Minister of Justice has not been long in his position, and the inspector of penitentiaries has been but recently appointed, that we are on that account to reject the recommendations that they have made. No doubt they are acting on information which the department, as a whole, has in its possession, and which is the result of experience of past years. Therefore I think this House would be justified in accepting, with a great deal of respect, the recommendations of the department.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Halifax spoke of the Minister of Justice being a new man, and of the inspector of penitentiaries being recently appointed. The present inspector has been intimately and immediately associated with the management of all the penitentiaries for nine years. He has been the private secretary of the Minister of Justice, through whom all the work, nearly, that pertains to the management of the penitentiaries has passed, so that really in selecting Mr. Stewart for the position—

Hon. Mr. POWER—I did not object to Mr. Stewart.

Hon. Sir MACKENZIE BOWELL—No one objects to Mr. Stewart—I am aware of that. The objection made to his suggestion was that he was a new man. What I wish to show is, that he is not a new man in one sense of the word. He has had nine years experience in the management of the penitentiaries, and has been most intimately connected with them. All the reports have passed through his hands, all the amendments and changes in the Penitentiary Act have been before him, and he is a man who is likely to appreciate the importance of the position to which he has been appointed. Now in reference to the horror which the hon. gentleman thinks I would have exhibited, were I on the other side, at the enormous extravagance of the government in having suggested the payment of $1,600 to the two chaplains who look after the spiritual welfare of the prisoners in the Manitoba penitentiary, I would ask the hon. gentleman if he knows what we are paying to-day? We are paying more than $1,800 and this is a reduction instead of an increase of the salaries. Whether it is too much or not, I am not going to argue; I am simply pointing out that, it is actually an instance in which the government are effecting an economy.

Hon. Mr. McINNES (B. C.)—To whom are you paying $1,600 now?

Hon. Sir MACKENZIE BOWELL—We are not paying it now to anyone.

Hon. Mr. McINNES (B. C.)—I understood the hon. gentleman to say that the government are paying more now than they propose to pay under this bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Halifax accuses us of extravagance because we propose, under the new bill, to pay $1,600 for the spiritual instruction of the prisoners in Manitoba penitentiary. What I say is, we are paying $1,800 now for the same services in the same penitentiary, so that instead of this being a proposition to increase the expenditure, it is a proposition to make a reduction. It is putting the Catholic chaplain on exactly the same basis as the Protestant chaplain. At present we pay the Protestant chaplain $1,000 per annum, with a residence, while the Catholic chaplain receives $800, whether with a residence or not, I do not know.

Hon. Mr. SULLIVAN—The Catholic chaplain in Kingston has no residence.

Hon. Sir MACKENZIE BOWELL—I am speaking of the Manitoba penitentiary. This memo shows that the Protestant chaplain receives $1,000 and a residence, and the Roman Catholic chaplain receives $800. Perhaps my hon. friend from St. Boniface can tell us if the Roman Catholic chaplain has a residence.

Hon. Mr. BERNIER—No; he lives at St. Boniface. He has to travel 12 miles to perform his duties.

Hon. Sir MACKENZIE BOWELL—The Stony Mountain is about twenty miles out in the country, and St. Boniface is opposite Winnipeg. Hence he has to travel twenty miles, and there is the greater necessity why the chaplain should live at the penitentiary.

Hon. Mr. McINNES (B.C.)—I am in full accord with the views expressed by my hon. colleague from Halifax with respect to the Manitoba and British Columbia penitentiaries. It is proposed to give to the surgeon of the New Westminster penitentiary $1,500 a year, and exclude him from general practice. No man can live, in anything like a respectable manner, in New Westminster for $1,500 a year. I claim if this bill becomes law, and the surgeon has to give all his attention to 100 convicts, hale, hearty men, you are doing that surgeon a great wrong. I can understand why it should be adopted if it were an asylum or hospital where patients were sent to be treated medicinally, but to restrict the surgeon to looking after the physical wants of some 75 or 100 healthy convicts is out of the question altogether. I can assure this House they will do a great injustice to that surgeon, Dr. de Wolfe Smith.

Hon. Mr. FERGUSON—It does not apply to the present officials at all; it cannot do him any injustice.

Hon. Mr. McINNES (B.C.)—There have been two surgeons in the penitentiary since it was opened. The first one received only

$400 a year. He was succeeded by the present surgeon, Dr. Smith. He is a man who is not blessed with the very best health in the world, and you are liable to have a vacancy at any time, though I hope he may long be spared to discharge the duties of his position. If you compel a new surgeon going in there to attend to the convicts exclusively, not allowing him to have any outside practice, he cannot live on the salary, and it will be a detriment to him not only pecuniarily but professionally.

Hon. Sir MACKENZIE BOWELL—There is no compulsion; he need not take the position unless he likes.

Hon. Mr. McINNES (B.C.)—There is no compulsion it is true, but at the same time I think there is no person suffering there in consequence of the surgeon having outside practice; and no injustice or suffering can be inflicted upon the convicts by allowing the surgeon to have outside practice as well. As far as the chaplains are concerned, until five or six years ago I think they received $400 a year, and were very thankful to get it. I think I am right as to that.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is quite right in the statement he makes, except where he says they were satisfied.

Hon. Mr. McINNES (B.C.)—They were satisfied until they found out that, by appealing to the good Liberal Government, they could get more. They made an application for an increase and $600 is the sum they receive now. I claim that these chaplains are amply paid for all the services they render. There are many hard-working clergymen in our country belonging to all denominations—Roman Catholic priests, Episcopalian clergymen, Methodists, Presbyterians, Baptists—who are not receiving more than $300 or $400 a year, who do ten or twenty times the amount of labour that these chaplains will be required to do in connection with this penitentiary in British Columbia and the one at Stony Mountain, Manitoba. I may say, with reference to putting them on an equality, so that they can be changed from one penitentiary to another, our experience in British Columbia is that you had better keep your eastern men east of the Rocky Mountains. We have men out there who understand their business and who will conduct the institution as well as any of the experts, or so-called experts, who are sent out there—perhaps a little better. The hon. gentleman laughs; but all the trouble in connection with the British Columbia penitentiary arose from the fact that one of those qualified experts was taken out from Ontario. As far as Manitoba penitentiary is concerned, it is differently situated from that in New Westminster. The latter is right in the city of New Westminster, and the one in Manitoba is out at Stony Mountain, about 12 or 13 miles from Winnipeg. There is some force in the argument, that the increase should be greater to the surgeons than to the chaplains, because they will have very little to do, either the clergy or the surgeons, beyond the penitentiary work itself. It would be very much better, therefore, to strike out clause 3. I shall have much pleasure in supporting the amendment of my hon. friend from Halifax. Some hon. gentlemen may think I am speaking against the interests of the chaplain and the surgeon in New Westminster, but I am not; I am discharging my duty here fearlessly and honestly, and it does not matter whether it suits them or not. As far as the surgeon is concerned, at all events, you should strike that clause out whatever you do with the clergyman, though in my opinion the provision as to the clergyman should be struck out as well.

The amendment was lost on a division.

Hon. Mr. POWER—Before the committee rises I wish to make one observation which may as well be made now as at any other time. This argument that the Commons considered it, and the department considered it, is an argument for the abolition of the Senate. If the members of this House are to forego the right of using their own independent judgment on the measures which come to them, simply because they came through the Commons, and have been adopted by the government, then we do not need the Senate at all, and had better get rid of it. That was not the view taken in the Senate when other hon. gentlemen led it.

Hon. Sir MACKENZIE BOWELL—I think that is an imputation on the members of the Senate which is altogether unjustified. No one, either of the government or of the

individual members has attempted to influence or coerce the Senate. The hon. gentleman has had full opportunity to express his opinions. The Senate has not thought proper to adopt his amendment or to agree with his views, and hence he says "unless you think with me, unless you are prepared to amend a bill which comes from the Commons simply because it comes from the Commons, because it is not in accordance with my individual opinion, there is no necessity for the Senate." That is the hon. gentleman's argument.

Hon. Mr. POWER—Excuse me, that is not the argument at all.

Hon. Sir MACKENZIE BOWELL—I know the high estimation in which he holds the Senate, and I am astonished that he should cast such a reflection on the members of this House, unless indeed he lays down the principle that no man has any right to have any opinion of his own other than that which the hon. gentleman thinks proper to dictate. No member of this House has a right, because he cannot amend a bill from the Commons in any way he pleases, to say that the members of the Senate are either subservient to the government or subservient to the House of Commons. I hope the day is far distant when the gentlemen who compose this Senate will be prepared, upon a great question or upon a small matter, where they have individual opinions, to surrender them to the government or to the House of Commons; but it may be just possible that in an amendment to a bill of this character, the majority of the Senate are in accord not only with the suggestions of the government, which is responsible to the people for its actions, but in accord also with the opinion that has been expresse ! by the vote of the majority in the House of Commons. Since I have been in the Senate I have known government measures to be thrown out; I have known important amendments to which the government were directly and positively opposed, to be made to bills. That did not show any subserviency. If it were necessary to go into a defence of the Senate, I could mention an instance in which the government having undertaken to carry out great improvements, both under the Mackenzie administration and under that of Sir John Macdonald, sent their measures from the Commons to the Senate, but the good sense of this House—I think it was the good sense after all—led them to look upon those projects in a different light and they threw out the bills. Well, what did the government say? They said precisely what my hon. friend has said—"what are you here for but to confirm all that we do?" This House is independent and I hope it will be always independent, and I trust that my hon. friend—for whose opinions I have great respect—will never again allow his temper to get the better of him, because he can not carry a small amendment to a bill.

Hon. Mr. POWER—The hon. First Minister appears to fail to grasp the point of my remarks. I am not in the habit of losing my temper. In that respect perhaps I compare favourably with the hon. gentleman himself. I am as cool as the hon. First Minister.

Hon. Sir MACKENZIE BOWELL—I can see that.

Hon. Mr. POWER—What I called attention to was this fact, that the hon. the First Minister used as an argument why the Senate should adopt this amendment that the Commons had considered it carefully, and he said the department had considered it, and another hon. member said that as long as the department had considered it we had no more to say about it, and I simply animadverted on that line of argument. We should discuss these matters on their merits, as I think we usually do, and not accept measures simply because the department has considered them. If we are not to consider measures on their merits but are to take things because they pass the Commons or because the government, or some department of the government has thought well of them, it follows that our functions are at an end. I spoke in perfect good temper.

Hon. Sir MACKENZIE BOWELL—I accept the explanation and apologize for anything I said. I propose to substitute the following in place of clause 7, which is not complete enough :—

"Sections 1, 3 and 6 shall apply only to persons hereafter appointed or promoted to any office or employment in the penitentiary service."

The amendment was agreed to.

Hon. Mr. DEVER, from the committee, reported the bill with an amendment, which was concurred in.

Hon. Sir MACKENZIE BOWELL, moved the third reading of the bill.

The bill was read the third time under a a suspension of rule and passed.

The Senate then adjourned.

## Second Sitting.

The Speaker took the Chair at 8 p.m.

Routine proceedings.

### THIRD READINGS.

The following bills were read the third time and passed under a suspension of the rule :—

Bill (88) "An Act respecting the South Shore Railway Company, Limited."—(Mr. Kaulbach.)

Bill (75) "An Act to revive and amend the Act respecting the Lake Manitoba Railway and Canal Company."—(Mr. Clemow.)

Bill (155) "An Act to incorporate the Ottawa Land and Security Company."—(Mr. Clemow.)

Bill (46) "An Act to incorporate the Trans-Canadian Railway Company."—(Mr. Clemow.)

Bill (100) "An Act to incorporate the Dominion of Canada Trusts Company."—(Mr. Clemow.)

### QUEBEC, MONTMORENCY AND CHARLEVOIX RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (98) "An Act respecting the Quebec, Montmorency and Charlevoix Railway Company" with amendments. He said : The changes can scarcely be called amendments, except in a technical sense, because they are really rectifying an omission. The amendments are in the ninth section of the bill. The first amendment reads that "for the uses and purposes aforesaid, these words are added" ; and the reason of that was that in the original bill section 8 and section 9 were one section, and they were separated in the copying, and it became necessary, in order to make sense of the ninth section, to use these words. The other amendment follows in the same section, and explains that the powers given by the section were only to be used in a certain event. The very words that are reported here as the amendment were agreed to in the House, but, by some strange omission, were not copied into the record of the bill as it came up to us ; and therefore it was necessary to supply that omission. It was agreed by all the parties that these words had to be supplied. I wish the House to understand distinctly that it makes no change in the bill, although technically an amendment, and the bill has to be sent down to the House for approval.

Hon. Mr. CLEMOW moved concurrence in the amendments.

The motion was agreed to, and the bill was then read the third time and passed under a suspension of the rule.

### WINDING-UP ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (144) "An Act further to amend the Winding-up Act." He said : The object of this bill is to make the practice prevailing in the several provinces for the discovery of assets of judgment debtors applicable to the discovery of assets of persons against whom orders are made under the Act for the payment of money. Section 78 of this Act now provides that every such order under the Act shall be deemed a judgment of the court, and may be enforced against the person and property of the person ordered to pay in the same manner as judgments in the province. It has been held in Manitoba that under this section the practice of examining a judgment debtor, as to his property and liabilities, did not apply to proceedings under the Winding-up Act. It is most desirable that this practice should apply, and the bill is intended to make it applicable. Section 78 is repealed and re-enacted with a few verbal changes, and a subsection is added provided expressly that the practice relating to the discovery of assets shall apply in such cases. The change,

as the Senate will observe, is not of a very radical character. It is to make it applicable to both the cases cited, to which I have referred, and to make it uniform in all the provinces.

The motion was agreed to and the bill passed through all its stages under a suspension of the rule.

## INSURANCE ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (145) "An Act to authorize the Treasury Board to exempt certain societies from the operation of the Insurance Act." He said: In moving the second reading of this bill I might explain that, although not very long, it is somewhat important to those who are most interested in its working. The Brotherhood of Railroad Trainmen have amongst themselves a system of insurance by which, on payment of a small fee, in the event of total disability or death of one of its members, a sum is paid to the wife of the deceased, or, if the wife be dead, then to his children. The policy is a combination of life, accident and disability insurance. It is limited in practice to the small sum of $1,200. Up to two or the months ago the association have been doing business unmolested, upon the supposition on the part of the members that the Insurance Act did not apply to them. There are some 37 lodges of the Brotherhood of Trainmen in Ontario. Recently, however, an informer commenced prosecutions against some of the members upon the ground that they were not protected by section 43 of the act, as they supposed they were. Prosecutions in Toronto and, I believe in Parkdale, were dismissed, upon what precise grounds I am not informed. The informer, having failed to obtain convictions in Toronto and Parkdale, transferred his operations to the city of Hamilton, where a couple of prosecutions have taken place and convictions obtained on the ground that section 43 of the Insurance Act did not protect them, and fines have been imposed. It is understood that the convictions have been appealed against but the cases have not as yet been argued and the result will probably not be known for some time to come. In the meantime the persons interested are asking a change in the law which will free them from all liability to prosecution under the statute. This they propose to do by making section 43 apply in express terms to both life and accident insurance. As it is now interpreted it applies only to life insurance. To make this change it is not deemed advisable, as such a change would have the effect of letting in some very undesirable associations which are at present excluded. There is no doubt however of the merit in the claim of the trainmen to be relieved from the provisions of the statute, and while it would be well if possible not to make auy change at present, until more careful consideration could be given to the question, it is clearly not objectionable to exempt them from the provisions of the Act upon the terms stated in the bill. There are several kindred organizations whose claims are also deserving of consideration. Their claim for exemption is well founded as far as can be judged, upon the simple ground that it is all but impossible for men employed as locomotive engineers and like occupations on account of their hazardous nature to obtain insurance elsewhere. If this bill is approved it will meet the case as a temporary provision only and until the whole question of friendly society insurance is taken up and considered as it must be at an early date. I may add that the organizations in question are exempted from the provisions of the Ontario Insurance Corporations' Act, 1892, in the same manner as it is now proposed to exempt them from the Insurance Act. The reason for this, the House will readily understand, is in order to legalize the operations of the societies which would be protected under this bill in the case of the trainmen who may be running on a line which extends beyond the limits of the province, so that in case a death by accident were to occur in Quebec, the heirs of the deceased member in Ontario may be able to establish their claim under the act to the gratuity, or whatever sum may be coming to them, on account of the membership of the deceased in this society. I think the House will recognize the importance of so amending the bill as to enable men who are engaged in these hazardous employments, such as trainmen, brakemen and engineers, to make some provision for their wives and families and, particularly, in view of the fact that the hazardous nature of their occupation prevents them from obtaining protection in

the ordinary insurance companies except at a very high rate of premium.

The motion was agreed to and the bill passed through all its stages under a suspension of the rule.

## SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

Hon. Mr. FERGUSON (P.E.I.) moved the second reading of Bill (143) "An Act further to amend the act respecting the Senate and House of Commons." He said: This bill is not a very long one, and I do not think it requires any words of mine to recommend it to the members of this House. Indeed I would have thought—had it not been for a little opposition on the part of the hon. Senator from Halifax at a previous stage—that there would have been no difference of opinion in regard to the bill. It provides that in computing the sessional indemnity, the deduction shall not be made for 12 days in the case of a member who has been absent at any time during the session. It has been usual for some years to pass an act of this kind, and in this bill the allowance is restricted to the number of days allowed in any previous bill. This session has not been a very long one (a little over three months), but it has been held at a rather inconvenient season of the year, and it is only right to allow members of parliament the privilege which this bill gives them. I cannot think there is anything wrong in this. Perhaps some professional gentleman, to whom one of the three months is the same as another, may not have a very strong claim for this allowance, but to those who are engaged in industrial pursuits, a summer session is very injurious; and similar bills have been passed in previous sessions.

Hon. Mr. POWER—Just this day twelve months a similar bill was before the Senate, and on that occasion I took the opportunity of expressing my dissent, and also took occasion to call the attention of the government to the necessity for some amendments in the section of the Act respecting the Senate and House of Commons which dealt with the mode of deducting from the indemnity and the mode of calculating the days of attendance. It was pointed out in the discussion last session that a gentleman might come to this House, stay here for a day or two and then go home and attend to his own business, and at the expiration of the last session, which was of about the same length as the present session, he could draw, in addition to his mileage, between $500 and $600. The same is true to-day, and the consequence is, looking at the matter from a pecuniary standpoint, it would pay hon. gentlemen in this House and members of the other House better to simply come and be present at the opening of Parliament and then return home to attend to their own affairs. The hon. gentleman who has moved the second reading of this bill told us that the introduction of a bill of this nature was usual. The truth is, if I am not under a misapprehension, we never had a bill of this nature introduced in this House until the present Parliament. It was never introduced before 1891. The hon. gentleman will search the records of either House of Parliament in vain for any measure of this character before that date. It is a highly objectionable measure. There are different ways of dealing with the question of indemnity. In some countries, England for instance, there is no indemnity; members of parliament are paid nothing for their attendance. In other countries, I think in the United States, the members are paid so much a year, and I am not aware whether there is any deduction for absence or not. In some of the Australian colonies the members are paid so much a year and are not paid by the session.

Hon. Sir MACKENZIE BOWELL—They are paid monthly.

Hon. Mr. POWER—A yearly salary, paid monthly. What I mean is that the pay does not appear to depend upon their attendance. If the government find the present system objectionable—and it appears they do—the better way would be to adopt the system in operation in Australia and the United States and say that members shall receive whatever indemnity the government think they ought to receive, whether they attend to their duty in parliament or not. That is a sensible provision. But to provide, as we do in the revised statutes, that $8 shall be deducted for each day a member is absent, with the object of providing that members shall be present and attend to the business of parliament, and then to say that we shall allow members to remain 12 days away without making any deduction, is a position which is not logically defensible at all.

Adopting the principle of our Act, members of parliament have the right to choose whether they shall remain here and attend to the business of the country, or whether they shall go home and attend to their business at a sacrifice of $8 a day, which sacrifice, I presume, is more than made up by attending to their own business. I think there can be nothing more undignified than for parliament to be called upon year after year to pass a measure of this sort. My theory is that we should adopt the Australian and United States system if it be deemed to be better than ours, but if we were going to stand by our own system, let us stick to it. There are certain practical results from the adoption of the system introduced by the present government in 1891 which deserve consideration. We know, as a matter of fact, that a great deal of the most important business of Parliament comes to us during the last few days of the session, and the same thing is true of the House of Commons in a very large measure. Now, what is the result of this practice of allowing gentlemen to be absent for twelve days? It is just this: that at the time when their services are most required in Parliament they go away. We know how it is; the majority of our members have gone away with the feeling that they will receive their full indemnity even though they are absent. The country has a right to the presence of the members here, and the government are altogether wrong in introducing this measure, which has, amongst other evil effects, the effect of thinning out the Houses at the close of the session. The hon. gentleman from Prince Edward Island gave as a reason why we should pass this measure that although this has not been a very long session—there might be some excuse for it if it had been a six months' session, as we have had on several occasions—the members have attended very regularly to their duties. Well, if they have attended regularly, they do not need the allowance. That brings us to another point, that gentlemen who come from very remote provinces, like my hon. friend on my right, and like myself, to a certain extent, and other gentlemen who come from far away, are placed at a great disadvantage as compared with gentlemen who live within easy distance of the Capital and who can go home every Friday and come back on Monday or Tuesday; and if that practice were discouraged the effect would be that the session would be considerably shortened. All hon. members would be anxious to get the session through as quickly as possible, and the business would not be delayed because members were absent. I have spoken on this question without any preparation, but I feel it my duty to put on record my strong objection to this kind of legislation. If the indemnity is not considered large enough, let the government increase it. If this requirement, that we shall be present, and that unless we are present we shall not be paid, is found to be objectionable—and it appears to be—then let the government introduce a measure providing that whether members are here or not they shall be paid, but do not let us have, year after year, this measure brought down which publishes to the world the fact that the members of both Houses want to be paid as though they had been serving the public when really they have been attending to other affairs.

Hon. Mr. KAULBACH—I do not want to combat anything that my hon. friend has said. I agree with very much that he has stated. If this bill applied to the Senate alone, I should certainly be with him in voting against it, as my experience has shown me that we can scarcely get a quorum at the end of the session by reason of this exemption, but I look to the other House, whose duties are more onerous than ours, and many of whom have to go and attend to their own affairs at home and often accept candidatures against their own private interest, purely to support principle. Therefore, I do not feel disposed to help to defeat this bill, but what I think most of is that we senators, when we come here, take upon ourselves a trust to attend to public duties, and in the case of those gentleman who come here simply to hold their seats, and then go away, this bill gives them a bonus of $96, besides what they get—about $500 or $600—by staying away without performing their duties. I do not think it is fair. If hon. gentlemen do not care to come here and attend to their duties they should give up their seats. It is not fair for a man to hold the position of a senator of the Dominion if he does not attend to the duties devolving upon him. But, in addition to that, you give him by this bill a bonus for staying away and attending to his own business. To my mind it is highly objectionable, but for the reason that I have mentioned, I do not feel

disposed to interfere with the other branch of the legislature, whose members have more onerous duties than we have and who attend to their business. I hope the Indemnity Act will be changed so that hon. gentlemen will not have the inducements offered them to remain at home and pocket $500 or $600 for doing nothing, and prevent others who could and would attend to their public duties from occupying the important position of senators of the Dominion.

The motion was agreed to, and the bill passed through all its stages under a suspension of the rule.

## SILVER LEAD SMELTING ACT.

SECOND AND THIRD READINGS.

Hon. Mr. FERGUSON moved the second reading of the Bill (142) "An Act to encourage silver-lead smelting." He said: This bill as its name indicates, is for the purpose of encouraging silver-lead smelting. It provides for a bounty of 50 cents per ton to be paid for the ore smelted, and that the amount to be paid under the provisions of this bill shall not, on the whole, exceed $150,000, nor $30,000 in any one year, but it provides that any unexpended portion of that $30,000, or sums that may not be called for by way of bounty in any particular year, may be carried from year to year and expended in the years that may follow. The operation of the bill is to extend to five years. If in any one year a greater quantity of ore is smelted than could be provided for out of the $30,000 a year, then the rate per ton is to be reduced in order to bring it within the amount for which provision is made. It also provides that the payment of bounty of smelting works shall be made regarding establishments that shall be put into operation before the first of January, 1897, and that the payment and the management of those bounties shall be placed under the control of the Department of Trade and Commerce, and that the Governor in Council may make regulations governing the payment of those bounties, to prevent fraud and for the proper carrying out of the work, and that these regulations shall be laid before parliament in each year fifteen days after the opening of the session. This will apply to silver mining altogether, I think, in the province of British Columbia. It is well known to hon. gentlemen that those mines are very valuable. They have not been developed to any great extent in the past, owing to the want of railway communication, and largely to the absence of proper smelting works. Within the last year a railway has opened up access to some of the most valuable mining districts, and the result has been most gratifying in the development of those industries. I have in my hand a paper published in British Columbia called the Slocan *Prospector*, in which these facts are given:

> The total shipments from September 13th, 1894, until March 1st, 1895, aggregated 5,991 tons, of which 3,369 tons were shipped via Nakusp and 622 tons to Kaslo. The grand total estimated value being $718,920. Daily shipments are still being made and will now continue indefinitely as the country has the advantage of of railway communication.

The construction of this railway has tended to develop those works, but a very large proportion of the ore is found to be of such a nature that it will not bear railway transportation to smelting works in the United States. It is ascertained that out of every nine tons of ore there is only one ton that is of sufficient value to bear transportation such a long distance, and it is indispensable to the carrying on of the silver industry in British Columbia that large smelting works should be encouraged in that country. It is proposed that it shall be done by means of a bounty of 50c. per ton, as provided for in this bill. There is another feature in connection with this that is of some importance. Hitherto there has been only one kind of ore prospected for in that country, just for the want of smelting works. On the establishment of smelting works, there is another ore called dry silicious ore that will be sought for, and which is necessary in order to fix in the smelting process along with the lead ore, that has hitherto been worked. It is known from the experience of other countries that smelting will lead to extensive mining of other ores besides those that are now mined. When it is borne in mind that eight out of nine tons of the lead ores themselves that now come within the reach of the miner in that part of the country are useless for want of smelting works, and in addition to that, the fact that the dry siliceous ores are not now useful at all, though they are known to exist there, hon. gentlemen will see at once the very great importance of giving some encouragement to silver mining in that part of the country. The importance of smelting the silver-lead ores is well known

in the United States. Owing to the existence of these works, the central western section of the great republic has become rich to an extraordinary extent. Some figures have been put in my hands which show the very great importance of these smelting works. It is stated that for every 150 tons of ore, 500 tons of coal or its equivalent of wood will be used in the process of smelting, 1,200 tons of coke will be required, and 500 tons of limestone. It is well known that there is abundance of limestone in that part of the country, and coal both in the Rockies or on the Pacific coast, within easy distance of those smelting works and the employment that will be given to men, to the railways and to other means of transportation, will be very great indeed. The advantage to the agriculturists of that part of the Dominion will also be very great, because those who are engaged in mining produce nothing in the way of food or clothing, and the profits which they make, and the employment they obtain, will benefit all who are carrying on agricultural and other productive work in the neighbourhood. As an instance of the extraordinary value of smelting works in a rich mining district such as that part of British Columbia undoubtedly is—perhaps one of the richest in the world—I might mention that in the town of Butte, in the state of Montana, alone, a city of 20,000 people, the output of silver is equal to the entire exports of Canada from the forest, the mine, and the fisheries. That is an extraordinary statement, but I have it on excellent authority that such is the case. Smelting works will be established to have an output of 150 tons of ore a day, and that would turn out each year 60,000 tons which would represent the value of $3,000,000 a year. Half of that amount would be represented by the earnings of the prospectors and smelters, and the other the profits in connection with the mining. I do not think it is necessary for me to say anything more in regard to this matter. Of course, within the last 3 or 4 years the silver industry has been considerably depressed in the United States, but that depression is not to last forever. Capitalists are now turning their attention to our west, which, as I have said before, is known to be rich in silver ore, and we have reason to believe that under the operation of this bill and the small bounty that it is proposed to pay—only $150,000 in all for five years—there will be a very considerable development of the mining industry in our western country which will be of great advantage, not only to British Columbia, but to all Canada.

Hon. Mr. McINNES (B.C.)—This bill receives my unqualified support, and I congratulate the government on bringing it in. One observation made by the hon. gentleman who introduced it I can scarcely accept. In fact I do not know where he got his information. He said that in the Kootenay district there is only about one ton out of nine that would bear transportation to the smelters in the United States, at Butte, at Seattle and at Omaha. He did not mention those points, but those are the different places to which the ores are shipped. My information is that there is not a ton of ore shipped from the main mines there but what produced from 100 to 1,000 ounces of silver per ton.

Hon. Mr. FERGUSON—Will the hon. gentleman allow me to say that that is just the point I make. Only these valuable ores are shipped, but there is a large quantity mined, and accessible to be mined, which is of a quality that will not bear shipment.

Hon. Mr. McINNES (B.C.)—I misunderstood the hon. gentleman. I thought he mentioned that the average that was produced there would only yield a small percentage. What he mentions now is correct. A very large percentage of the ores will not bear transportation for three, four, five and in some instances 1,200 miles to the smelters. If a smelter were established either at Slocan, or up in the Kaslo district, the state of affairs would be vastly different. That is one of the richest silver districts in the world, and will prove itself to be so within the next few years. It is also rich in gold-bearing quartz, to say nothing of the large amount of gold taken from the streams in the alluvial washings. I saw a few days ago that it is proposed to open a large smelter in Vancouver. Whether that smelter will be eligible to receive this bonus or not, I am not prepared to say, but I scarcely think that it would be. I think the smelter, if it is to be established, should be located in the very centre of that mining district.

Hon. Mr. SCOTT—There are two smelters in British Columbia already, are there not?

Hon. Mr. McINNES (B.C.)—There is a small one at Pilot Bay.

Hon. Mr. KAULBACH—I am very glad to see that my hon. friend who is, on general grounds, such a strong opponent of the national policy, when he finds something which affects the district in which he resides becomes a zealous advocate of protection. You find that the case in every instance. When it comes to the encouragement of industries in their own district the free-traders change about very quickly. This is protection in an extreme form, and I am glad to find my hon. friend, like all the other free traders, as strong a protectionist as we are ourselves when it comes to the development of home industries.

The motion was agreed to, and the bill was read the second time.

Hon. Mr. FERGUSON moved the suspension of Rule 41 in regard to this bill.

The motion was agreed to, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Hon. Mr. POWER—With reference to section 1 of the bill, I suppose that persons who smelt gold, for instance in Nova Scotia, would get the bonus.

Hon. Sir MACKENZIE BOWELL—Any smelting of gold done in Canada comes under the bill.

Hon. Mr. BERNIER, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

## NORTH-WEST TERRITORIES REPRESENTATION BILL.

### SECOND READING.

Hon. Mr. FERGUSON moved the second reading of Bill (121) "An Act further to amend the North-west Territories Representation Act." He said: This bill contains only two provisions—the first of which is to the effect that in voting in federal elections in the North-west Territories only three months' residence in the electoral district shall be required instead of twelve months as provided by the act as it stands at present. Under the law governing elections of members of the Territorial Legislature, only twelve months' residence in the Territories and three months in the electoral district is required. It is proposed by this bill to make the term of residence in the electoral district necessary to qualify an elector in a federal election the same as the term which is required to qualify a man to vote for the election of a representative in the Territorial legislature. Hon. members will bear in mind that the act for the regulation of Territorial elections is an act of the Federal Parliament, not a local statute. It is a law of our own, and we are simply providing that the qualification for electors shall be the same, whether the election is for a Territorial representative or for a representative in the Dominion Parliament. It has been considered desirable that the same qualification should apply in both cases. The other provision of the bill is simply to correct an oversight in the legislation of last session. The Act of last year provided that any elector who finds that his name is not on the voters' list may apply to the enumerator within two days of the date of polling and have his name put on the list. That provision was incorporated in the Act but through an oversight the form of oath in the schedule of the Act was not made to correspond with the main provision. Previous to that it was possible at any time before the election to have the name added to the list, but last year it was decided that the name could not be added later than two days before the election. The form of oath has now been altered to correspond with the main provision in last year's Act, and this is merely to make the schedule and the oath correspond with the main provision of the bill. I think these amendments are so simple and necessary, that I need not make any further explanation.

Hon. Mr. SCOTT—I do not rise to oppose this bill, but to call attention to an amendment that I should like to propose when the House goes into Committee on the bill. As the law stood before the Act of last session, when a person's name had been accidentally omitted he was permitted, at the time he came up to vote, to have his name added by taking the oath prescribed in the statute. Last session, when the bill was before this House, an amendment was made which struck out that particular clause. I am informed by a member from the North-

west that the members representing the constituencies in the Territories were not aware of this change at the time, and that it operates very prejudically because, owing to the electors of the North-west being spread over a very wide extent of country, they are not likely to hear of this legislation or to appear before the enumerator, and it would be scarcely fair to deprive them of their votes if their names happen to be omitted and they failed to appear before an enumerator before coming up to the polls. I propose to strike out the clause repealing section 44 when the House is in Committee on the bill.

The motion was agreed to.

The House resolved itself into committee of the whole on the bill.

On clause 2,

Hon. Mr. SCOTT—I have read the clause and the law as it stood up to last year. The amendments made in this House last year appear in section 14 which repeals a number of sections of the act in the revised statutes, including 44, and the explanation given to me by a member of the House of Commons was that when the bill went back to the House of Commons, after being amended here, the schedule appeared to be the last part of the bill, and so this section 14, which was the repealing clause of section 44, was overlooked, and at least one or two members there from the North-west thought that the effect would be rather serious, inasmuch as the voters whose names had been omitted from the list might not be advised of the passing of this act, and that therefore they might be disfranchised at the next election unless they were permitted to take the oath, as in former years, as provided in the statute. I have looked over the Debates of last year and I do not know whether attention has been called to it in this chamber; but it does not appear that any comment is made upon it. An effort has been made to repeal section 44, but no comments were made upon it. It did not seem to evoke any criticism one way or the other, and it was wholly unexplained. The amendment that I propose is:

Section 14, of chapter 15, of the Statutes of 1894, is hereby amended by striking out the word 44 in the first line thereof.

It would revive the law as it stood in reference to that particular point.

Hon. Mr. FERGUSON—I cannot agree with my hon. friend that it is desirable to restore this feature of the old law which was repealed last year. Of course there is not as perfect a system of preparation of voters' lists in the North-west Territories as in the other provinces, but a voters list is prepared which seems to answer the purpose very well and is what they desire. If it should be found two days before an election that any voter's name has been omitted from that list he can himself have his name placed upon the list, if he is entitled to have it, by applying to the enumerator, and it is not necessary to make that journey in person. Any credible witness, cognizant of the facts, can have the name placed on the lists.

Hon. Mr. POWER—It does not say that.

Hon. Mr. FERGUSON—The polling districts are reduced in the North-west to a very small compass, and even there the extent of travel is not very great, and the inconvenience is not very much. At all events, a voter can, up to within two days of the election, if his name is omitted from any cause whatever, either through himself or a credible person, have his name placed on the list. That is all that is desirable. In my own province we have had experience of the system permitting a voter on election days to swear to his vote; and I have not the slightest doubt that the experience of the North-west, up to a year or two ago, was just the same as ours, that it leads to a great deal of false swearing and a large number of bad votes being polled. In the excitement of the polling day, and often under the influence of intoxicating liquors, it is extraordinary the number of men who will take oaths that are not right, to establish their right to vote, who would not do it in cooler moments a few days before the election. Under this bill, we provide means by which every man who is entitled to vote can have his name placed on the lists to within two days of voting. That is a greater privilege in this matter than is extended under the Dominion Franchise Act or any other Act; and I think the facility is so great that this House should not for one moment go further and allow a man to come up in the excitement of election day and get his vote recorded by swearing to his qualification on that day. That should be arranged before the election,

as was provided last year, and therefore I could not agree to the amendment of my hon. friend.

Hon. Mr. POWER—My hon. friend is rather too emphatic in condemnation of the law which his own government has passed, and which has been in operation a great number of years in the North-west Territories. Is the House to draw, from the observations of the hon. gentleman, the conclusion that the voters' lists in the past have been made up in this way, and that the hon. gentlemen who represent the North-west have been elected by persons who came in the heat of passion and swore themselves on the lists when they had no right to be there? That is the natural conclusion which one would draw from the speech of the hon. gentleman, that this system, which has been introduced by his own government and has been in operation for a number of years, has been perfectly unbearable. What is the fact? The hon. gentleman thinks it is an atrocious thing that a voter should be allowed to go up and swear himself on the list on polling day. He compares the condition of Prince Edward Island with that of the North-west Territories. Who makes up the list in the North-west? Is it carefully prepared by municipal officers as in other provinces? Not at all. The lists are made up by an employee of the government, and the elector who claims the right to vote deserves as much consideration as the officer, who is possibly a man of no weight or consequence at all, and probably a very strong partisan. The point is this, that notwithstanding the statement of the hon. gentleman, the polling districts in the North-west Territories are very large. Anyone can see that by looking at the map, and anyone living 10 or 15 miles away from a polling booth may not see the list at all. He comes in to poll his vote, thinking that the law now on the statute book is still in operation, and when he comes in, he finds his name is not on the list, and the privilege that he did enjoy on former occasions has been taken away. That is a very serious position of matters. There is no provision, apparently, for getting men off the lists in the North-west Territories. The returning officer, or enumerator, puts anyone he pleases on the list and there is no way of getting the name off; and now the man who claims the right to vote cannot swear himself on. The old law was much better than the law as proposed by this bill, and until you get proper machinery for making the voters' list, such as exists in the provinces, we had better stick to the plan which allowed the honest voter to get his name on if it had been improperly left off.

Hon. Mr. FERGUSON—My hon. friend seems to think that there is no provision in the North-west Territories Act for striking names off the list. Look at section 31 of the revised statutes, chapter 7, and you will find there is not only provision for putting names on, but also for removing names:

> If any enumerator, at any time after posting up any voters list, and two days before the polling day, is fully satisfied upon representations made to him by any credible person, that the name of any qualified voter has been omitted from the voters list of the polling division to which such voter belongs, he shall add such name, &c.

Hon. Mr. POWER—The whole thing is left to the enumerator; he is a government officer.

Hon. Mr. FERGUSON—It has to be left to somebody. My hon. friend seems to think it an undesirable thing for this government to admit that there is anything wrong in its past legislation. We do not claim any such infallibility at all. Occasionally it will be found, in the laws of all legislatures, that some things are not altogether right. This parliament thought that the old law was wrong, and corrected it last year, and now my hon. friend wishes us to go back to a vicious system that this parliament, in its wisdom, last year wiped out. I do not say, and I did not say that great abuses had sprung up in the North-west with regard to people coming forward on election day and swearing to votes that they had not a right to give, but I inferred, from the fact that the amendment was made to the law last year by both Houses of parliament, that abuses possibly did creep in there such as I know have arisen under a similar system in Prince Edward Island. The country is growing and my information is that the polling districts in the Territories are not excessively large. No information with regard to this can be gathered from a map. I never saw a map of any country yet in which the polling districts are shown. My opinion is that the facilities for travelling are fairly good in the North-west, and there is every opportunity afforded of getting the names on the lists up to two days

before the polling takes place. That is all that we should give.

Hon. Mr. POWER—I understand from the hon. gentleman from Marshfield, that before he entered the government they did make mistakes. Now, I suppose, since he is in the government, they do not. I should like to ask the hon. gentleman, who has had a good deal of experience in electioneering, whether down in Prince Edward Island to which he has referred so often, he would like to have this system in operation, that the voters' lists should be made up by enumerators, one enumerator in each polling district, who is a supporter of the Liberal party? Would the hon. gentleman feel comfortable in having to bring his voters up under those circumstances, and if the voter had no chance of getting his name on the list? I think the hon. gentleman begins to realize the unfairness of this system. It simply means that one party to a contest is allowed practically to appoint the court which is to try it.

Hon. Mr. FERGUSON—I think the hon. gentleman is attacking another feature of the law from that which is to be amended. This bill is simply to amend the time in which the voters can have their names put on the lists. They can do it two days before voting day. The principle on which the lists are made up is not a question at all.

Hon. Mr. DEVER, from the committee, reported the bill without amendment.

The bill was read the third time and passed.

## CRIMINAL CODE AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir MACKINZIE BOWELL moved the second reading of Bill (51) "An Act further to amend the Criminal Code, 1892." He said: If the Senators would prefer to accept this bill without a long explanation I have no objection to relieve myself of the necessity which would otherwise devolve upon me of explaining each of the clauses.

The motion was agreed to.

The House resolved itself into a Committee of the Whole on the bill, under a suspension of the rules.

(In the Committee.)

On section 673,

Hon. Mr. POWER—I may mention, with respect to the Criminal Code, that in the session of 1892 the Senate devoted two sittings to it and made some thirty amendments to the bill, so that we have a precedent for what I propose to do. The amendment which I wish to offer is to the section which relates to the jury. I move to amend section 727 of the Act by adding the following subsection thereto:

3. It shall not be necessary that a jury shall be unanimous, but after four hours deliberation eleven jurors out of twelve may return a verdict, which shall, for all purposes, have the effect of a verdict concurred in by all the jurors.

When the joint committee of the two Houses dealt with the Criminal Code in 1892, they recommended an amendment similar to this, only a little more sweeping in its character. The recommendation was practically that five-sixths of the jury could find a virdict, so that 10 out of a jury of 12, or 5 out of a jury of 6 in the North-west, could find a verdict. The present Minister of Justice was of opinion that it was rather too radical a change to allow 10 out of 12, or 5 out of 6, to find a verdict. The amendment which is now proposed is one which does not go as far as the amendment recommended by the joint committee in 1892. This proposes that the dissent of a single juror out of 12 shall not defeat the ends of justice. I do not propose to trouble the House at any considerable length with respect to this matter, but I wish to say a very few words showing why this amendment should be made. The real objection to making this amendment is a spirit of conservatism. Conservatism, in its true sense, is that spirit which will not make a change unless it is a change for the better. Toryism is a spirit which will not make a change at all, which is opposed to change on principle.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. POWER—I am glad to hear that a majority in this House are Liberal Conservatives. They are sometimes better than Conservatives. In civil cases it was for a long time required that the jury should be unanimous, and it was considered that there was some magic virtue in the decision of 12 jurors

which, if lost, justice would be lost, but in the province of Nova Scotia a great many years ago the jury in civil cases was reduced to 9, and 7 were allowed to find a verdict. I do not think there is a man in Nova Scotia who would wish to go back to the old system, when the jury consisted of 12 and the 12 were required to be unanimous. In Ontario, where they are perhaps a little slower than we are, they passed, during the last session of the legislature, an Act providing that in civil cases 10 out of 12 jurors may find a verdict, and when that law comes into operation the people of Ontario will wonder how it is they remained so long without adopting this desirable improvement. Consider that the requirement that the jury shall be unanimous dates back to the time when there were about 150 capital offences, and when, in the interest of humanity, it was desirable that the number of persons found guilty should be minimized as far as possible. When a man was hanged for stealing a sheep, it was a good thing that the dissent of one juror should save his life. In old times a prisoner was allowed no counsel, the jury were often fined by arbitrary judges if they did not bring in a verdict against the accused, and the whole tendency of the proceedings was against the accused. In those days it was a perfectly reasonable and proper thing, looking at this pressure against the accused, that the jury should be required to be unanimous. It is not so now. The prisoner has counsel, he is allowed to give evidence on his own behalf, the judge always holds the balance fairly and evenly, never makes any unreasonable or undue attempt to secure a conviction, and the chances are at least even between the prisoner and justice as regards the trial. How are the chances otherwise? The chances are all against justice. In the first place, the offender has to be arrested, and that is a thing which very often does not happen; then, when he is arrested, he is brought before a magistrate, and that magistrate often seems to think that unless the case against the accused is overwhelmingly strong, he is not justified in committing him for trial. We have seen instances of that quite recently. After the magistrate, before whom the prisoner is brought for preliminary examination, is satisfied that he should be committed for trial, the prisoner goes before a grand jury. I cannot say how grand jurors are in other provinces, but I know that in the province of Nova Scotia very often the clearest evidence of guilt will not satisfy the grand jury that they should bring in a bill, and as a rule they will not bring in a bill unless the evidence is very clear and convincing. Having run the gauntlet of the committing magistrate and the grand jury, the prisoner goes before the petit jury and if it happens that there is on that jury a single crank, or criminal, or a near friend of the accused, all the trouble which justice has taken and all the expense which has been gone to, is utterly wasted. The jury disagrees, and that is very often the end of the matter. If not, the country has to go to the expense of a further trial, which may or may not result in the conviction of a criminal who is clearly guilty. Every hon. gentlemen recognizes that that is the real condition of things. I may mention one case which was described to me by a gentleman who acted as counsel for the accused in a trial which took place some distance, but not a very great distance from where we are. The evidence against the prisoner was most conclusive, and my friend said that he did not see that there was the slightest chance of acquittal. When the judge had concluded his charge, he did not expect to see the jury leave the box, but they did so, and remained out for a considerable time. The judge, who had no doubt about the matter, caused the jury to be called in and asked them if they had agreed upon a verdict. They had not and retired again. After they had been out for several hours, they reported that they could not agree; and I may say that my friend, the counsel for the prisoner, was as much surprised as the judge was. He made inquiry afterwards as to the secret of their non-agreement and it turned out that there was one man on that jury who had a short time before served a long term in the penitentiary for an offence similar to that for which the accused was brought to trial. Now, I think if we require a verdict by eleven jurors after four hours deliberation that is as much as we ought to ask. We ought to give justice some little fair-play in the race with crime. I therefore move the amendment.

Hon. Mr. KAULBACH—The question which has come up is of great importance, involving as it does one of the fundamental principles underlying our system of criminal jurisprudence. If this had come up at an

earlier stage of the session, I think it would fairly have been a matter for consideration, but at this late stage I do not think we should hastily adopt the principle which my hon. friend proposes. I am very much with him in his opinion on the subject, I have had long experience in criminal courts, and I think the tendency of public opinion, generally, is very much in the direction of the amendment which he has suggested. However, for the reason I have stated, and because of the fact that there is no opportunity for the other branch of the legislature to give the matter the consideration it deserves, we ought not to take up an amendment of so much importance, affecting the liberty of the subject. I hesitate to express my opinion as fully and deliberately as I should like to have done if the question had fairly come up and we had full time to consider its effect on the present system. I do not think it can be said that magistrates generally are prone not to commit when offences of this kind are brought before them. In my experience I have generally found the tendency to be the other way. The magistrate who gets hold of a case is sure to bring it up in order to get his fees. He is generally more likely to get his fees if he brings it to a trial than he otherwise would do. Grand juries may be dispensed with and a better system adopted, although I am not very strong on that point; but without going into the argument, I think at this late stage of the session we should not interfere with this question of criminal jurisdiction and the rights of juries or the liberty of the subject in criminal matters.

Hon. Mr. POWER—The hon. gentleman must remember that he took part in the discussion on the Code in 1892, just at this stage of the session, when we made thirty amendments to the Criminal Code, and he did not think that it was too late then, though he does now.

Hon. Mr. KAULBACH—There we had discussed the subject; here it is sprung upon us at the last moment, and we are not in a position to give a calm and deliberate judgment upon it.

Hon. Sir MACKENZIE BOWELL—I think on reflection the hon. gentleman will not push his amendment at this stage. I would not dare to refer to the action of the other House as a reason why we should adopt anything sent us. But when we reflect that this bill is the result of numerous sittings of the Joint Committee of the Senate and House of Commons, we may fairly refer to the action of that committee without entering into any discussion as to what they really did. The old-time theory that a man is not guilty until he is found guilty by 12 honest jurymen may be an old fogy idea, but it is one that is held by a large number of people. I should judge, from the conclusion at which this committee arrived, after a full consideration, that it is thought better to leave the law as it is at present. The hon. gentleman having put his views on record, I trust will be satisfied at the present time and prepare himself, perhaps, to attack the whole system next session, or at some future session when the question comes before the House.

Hon. Mr. POWER—I may be dead next session.

Hon. Sir MACKENZIE BOWELL—No, the country cannot afford to lose the hon. gentleman yet. He is young and vigorous and exceedingly industrious, and whether we agree with him or not, I am sure we all appreciate his work. He is one of the most industrious and indefatigable members of the Senate, and I should like very much to have pursued his explanation of what Tory and Liberal-Conservatives are to a definition of what constitutes Reformers, Grits and Radicals. My hon. friend seems to be a combination of all. We have had an evidence here to-day of what I would call love and veneration for old usages. He proposed with all the vigour that characterizes every one of his actions, some amendments and reforms that he desired to place upon record. To-night he goes the length of the other class, the Radicals, who are desirous of uprooting everything that is old and good. The hon. gentleman will have to join the class to which hon. gentlemen on this side of the House belong, and when he reaches that stage of perfection he has no idea how he will be appreciated by those who listen to him.

Hon. Mr. SCOTT—No doubt the force of the arguments brought forward by the hom. member from Halifax are unanswerable. The feeling that there should be a unanimity of twelve men is an old time idea. No one

who is familiar with courts of justice recognizes that as other than a failure, because year after year juries are dismissed in consequence of one man holding out. He says that there are eleven obstinate men in the jury, and the case goes over to another court. It is done constantly. What is there in the number twelve any more than ten or fourteen? Why should twelve be the exact number to control and govern? For years and years we thought there must be twelve grand jurors who should agree before a man should be put on his trial, and year after year it was discussed, and it was said it was absurd to insist upon twelve men finding an indictment. It took many years to remove that idle prejudice. Now, when seven men can bring in a bill, we think the existence of the old rule was very absurd; and so it will be when we make the change in reference to the petit jury. It is perfectly absurd to say that twelve men should agree, any more than five or seven men. Of course the larger the number the more difficulty there is in securing a unanimous verdict; and the case goes over court after court simply because one obstinate man gets on the jury. One man gets an idea in his head, and sets himself up against the judge and all; everybody is powerless, and the criminals lie in jail another six months. Of course the change will come in time, and the more agitation we have the sooner it will come. In 1892 the question was before the joint committee, which was a much larger one than the present committee, and it was then agreed in that committee almost unanimously that a verdict of ten would be quite sufficient. All that the hon. gentleman proposes is to reduce the number by one. This year I do not think the committee divided upon it. There was considerable discussion on the subject at one of the sittings, and my recollection is that there was a very generally expressed opinion as to its wisdom and propriety; but no action was taken upon it, and the matter was allowed to drop.

The amendment was lost.

Hon. Mr. SNOWBALL, from the committee, reported the bill without amendment.

## THE FORESTERS' BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (84) "An Act to amend the Act incorporating the Supreme Court of the Independent Order of Foresters."

Hon. Mr. SCOTT—This society was incorporated in 1889. One of the clauses limited the amount they were permitted to pay to beneficiaries to $3,000. That is the law of Ontario. The society is established in Ontario; its headquarters are in Toronto, and according to the law of Ontario the limit is $3,000 for friendly societies. That society now asks to extend the amount it should be permitted to pay to a beneficiary, or the representatives of one of its members on death, to $5,000. The objection to the bill is that it is contrary to the law of Ontario. Another power that they ask is that the members shall be free to pay their dues or not to pay them—that their dues shall be voluntary. They enter into a contract, when they join the society, to pay certain dues, and the proposition is to relieve them from that obligation, and to that extent to interfere with the law of contracts under provincial authority. Civil rights we know is an adjunct to the provincial power, and this Parliament has no right to interfere in this matter. The society has only been established since 1889, and I hold in my hand the return for the last year: the contracts that they had in force on the 31st December, 1892—this is the last return—was $52,484,000; and the contracts entered into in 1893 were $19,603,000, making a total of $72,000,000. This society, whose whole assets were $924,000, are subject to a possible liability of $72,000,000. That is one extraordinary inequality that I point out. Another is that while the cash receipts for the year are only $700,000, the cost of management is $136,000. That is nearly 20 per cent of the total receipts taken up in the cost of management.

Hon. Sir MACKENZIE BOWELL—Does that include simply management, or does it not include the amounts paid to the sick?

Hon. Mr. SCOTT—No, expenses of management, law costs, registration fees, investigation of names, managing officers' salary, clerk hire, printing and advertising. The Inspector of Insurance, who is the guardian and representative to whom all those societies report, in Toronto, writes in this way:—

It is not only in direct conflict with the law of Ontario governing such societies, which limits the maximum of $3,000, but it is throwing a burden upon the society, which will certainly and speedily bring it to the ground, and will cause incalculable suffering and misery upon the tens of thousands of dependent persons whose protectors are now paying their premiums to the society.

Another extract, from a letter from the Inspector of Insurance in the Province of Ontario, reads :—

I stand in the relation of official guardian to the estate of a friendly society, which, being within the jurisdiction of Ontario, was wound up under this law ; and as such I have had lately much to do with insolvent societies. Anyone who has ever been brought into immediate contact with the facts can form an idea of the aggregate of suffering occasioned by the collapse of a life insurance company.

I understand the head of the insurance branch here, Mr. Fitzgerald, appeared before the committee, and gave very strong reasons why he thought it was not prudent or politic to pass the bill. However, it was passed against his judgment. In view of those facts, I think the House ought to use a little more caution in passing this bill, with the small number present now, and with the few opportunities we have to really enter into the merits of this question, because the society ought to exhibit its books, and they ought to be approved of by some actuary. To say that a society that only receives $700,000 may have liabilities amounting to $72,000,000 seems rather an extraordinary condition of things, and seems altogether different from what is required in reference to all other societies. I am informed, also, that the society has really issued policies for a larger sum than the $3,000 that is permitted now under the law. That is another evidence that the society has not been conducted on those prudent principles that ought to govern such associations. I make these observations because the chairman of the Banking and Commerce Committee is absent. He left some papers with me, and asked me to call the attention of the House to the character of the bill when it came before us for consideration ; and I have discharged my duty in laying a very brief statement of facts before the House.

Hon. Mr. CLEMOW—The statement given by the hon. gentleman includes other expenses besides those of management. That is not the cost of management at all. However, the details can be attended to in committee where we can get all the facts. I have a great deal of information here which was before the House of Commons. I shall now move the second reading, and refer the bill to the Banking and Commerce Committee, which is to meet tomorrow morning at 10 o'clock.

The motion was agreed to.

## NORTH-WEST IRRIGATION ACT AMENDMENT BILL.

### SECOND AND THIRD READINGS.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (120) "An Act to amend the North-west Irrigation Act."

He said : There are two changes in this bill. It has been found necessary to change the wording of the section which vests all rights to the use of water in the Crown. The other is the addition of a provision, section 5, which will simplify the procedure necessary to procure licenses for small private ditches, it being found that the present provisions of the law are too cumbrous and expensive. The present law regulating irrigation in the North-west provides that every person must take out a license before using the water in any of the rivers and lakes, even though it may be on his own property. The pre ent bill proposes to relieve settlers from the necessity of asking for a license, going to the expense and trouble of procuring a license ; that is when the water is used for culinary or household purposes or for stock. The Senate, no doubt is aware that the water in the North-west is not conveyed with the land. In that portion of the country, the water is considered of more value than the land. If you buy a property in Ontario, or any of the old provinces, and there is a lake or pond or river upon it, you have a right exclusively to the water. In Manitoba and the North-west Territories in conveying the lands the Crown reserves the water, and very wisely, in order that it may be utilized for the purpose of irrigation. One important change is to relieve the settlers of the trouble and expense attending the securing a license, allowing him to take whatever water is necessary for culinary and household purposes, and for the purposes of watering stock, and the other is to relieve them of the expenses attending it. Going a long distance, and

surveys and obtaining a license costs between twenty and forty dollars.

The motion was agreed to, and the bill passed through all its stages under a suspension of the rule.

## THE MANITOBA SCHOOL QUESTION.

Hon. Sir MACKENZIE BOWELL moved the adjournment of the House.

Hon. Mr. BERNIER—Before the motion for adjournment is put, I beg to offer some remarks upon the subject which is causing at present so much anxiety in the public mind. The session is drawing to its close, and it is my duty not to let this opportunity, the last during the present session, to pass without offering the remarks which I am about to make. It had been a cherished hope on the part of the minority that this session would see the redress of their grievances. It is now over five years since the minority has been deprived of its rights; it is now over five years since we have been dispossessed of our legitimate share of the financial advantages which the laws of the province bestow upon the other sections of the population; for over five years we have been assessed for the support of schools which are not available to us. After a protracted contest in the courts, the justice and the fairness of our claims have been recognized by the highest court of the Empire. During all that time, the minority and its representatives in Parliament have been considerate in their acts and in their words; they have acted like men deeply imbued with the lawfulness of their rights, but at the same time desirous of hurting in no way the interests of the country and the rights of their fellow-citizens. And it may not be entirely out of place to state here again what has been stated several times before, namely: that the Catholics of Manitoba do not want and never wanted any interference in what is called the public schools; let them exist as they are for non-catholic people; let the province do what she likes with that system and those schools. All that we want is the right to control the education of our own children. There is nothing illegitimate in that, and it cannot do any harm to others. We do not want to go further than the finding of the judgment of the Privy Council. Is not this the course of a law-abiding people? What more can be asked from us? But we hold to our rights to that extent, and now that the lawfulness of our claims has been put beyond a doubt, nobody, it seems to me, can take offence or even wonder if we state our honest conviction that the time has come at last when we should be relieved. To be told that because we have been suffering for five years, we ought not to object to continue to suffer for some time longer, is a poor consolation to those who are subject to that disability. Yet, if by that sacrifice, peace and harmony could be restored, if the institutions under which we live could be strengthened, if the prosperity and the happiness of this Dominion could be enhanced, neither we, nor our friends, would regret the continuance of that trial for a few months. But, hon. gentlemen, unless justice, full justice is done, nobody can expect such beneficial results from the postponement of the settlement of the school question. Justice is promised to us in the announcement made by the government last week and in the speeches of the ministers. By the same announcement, and in the same speeches, the existence of our grievances is again affirmed; our right to a remedy is also affirmed, and the most solemn pledges have been given us that remedial legislation of a definite character will take place within a fixed period, unless the province of Manitoba itself grant the remedy we are looking for. Whether willingly or unwillingly, the minority has to accept the situation; notwithstanding its disappointment, it has no choice. This, however, does not relieve me from the obligation of expressly freeing myself from all responsibility as to the postponement of the remedial legislation and as to the possible complications that may arise therefrom. The representatives of the minority in Parliament have, up to the last moment, insisted upon immediate action. I still believe that it was our duty to do so. Now that my wishes in that respect have vanished, I cannot help expressing my regret and my great disappointment at this new delay, however short it may appear to some. Nobody can deny that our cause is thereby committed again to future contingencies which may be stronger than the will of the government, and hence, my grave apprehensions and my regret. As I have already said, it is not within our power to alter the present situation, but we can hold to the pledge given and we do it, and we will look for its full redemption, living in the meantime in expectancy, throwing no obstacles in the way of a satisfactory settle-

ment, even willing to give a helping hand to it, asking our friends to do the same, but reserving our liberty for future action, equally ready to give credit to whom credit shall be due, and to recall to all the responsibility they have placed upon their shoulders. If those repeated pledges are not redeemed, the sad disappointment which is felt at present will still increase. A feeling of distrust in our political institutions will grow up in the minds of a large portion of the people. It will be considered as a failure of justice, as a departure from the principles laid down at the foundation of our confederation regime which could only come into existence by mutual trust in each other, and it will be a dark page in Canadian history. However, such is my desire to see this confederation of ours consolidate itself, so confident have I been always that under this regime our common country would prosper and its people become a great Canadian nation, that I prefer to refrain from giving vent any more to my apprehensions and to lend a listening ear to the hopes that have been expressed here and elsewhere that nothing will happen to prevent the government and parliament from discharging their respective duties and redeeming the pledges given in their behalf. I fully recognize the difficulty of the situation, but I believe Lord Salisbury has voiced the soundest policy to be adopted under such circumstances, when, speaking on this very subject at Preston, in 1893, he said that we

> Will only meet the danger by marching straight up to it and by declaring that the prerogative of the parent, unless he be convicted of criminality, must not be taken away by the state.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Saturday, July 20th, 1895.*

THE SPEAKER took the Chair at 10 A.M.

Prayers and routine proceedings.

## INLAND REVENUE ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (147) "An Act further to amend the Inland Revenue Act."

The Bill was read the first time.

Hon. Sir MACKENZIE BOWELL moved the second reading of the Bill. He said: This bill affects the excise duty and makes arrangements with reference to the manufacture of spirit from grain, barley and molasses.

The motion was agreed to, and the bill passed through all its stages under a suspension of the rule.

## BEET-ROOT SUGAR BOUNTY BILL.

FIRST AND SECOND READINGS.

A Message was received from the House of Commons with Bill (148) "An Act respecting the bounty on Beet-root Sugar."

The bill was read the first and second times under a suspension of the rule.

Hon. Mr. POWER—Before we go into committee on the bill perhaps the leader of the House might give us some information as to this beet root sugar business. Every little while we pass an act providing for a bounty on beet-root sugar. It is some 10 years since the first act was passed, and Parliament is entitled to some information as to the success which has attended the efforts to stimulate the production of beet-root sugar in this country.

Hon. Sir MACKENZIE BOWELL—The information asked for is quite proper. I regret to say I have not the figures with me now. If the House will permit, we will go into committee and pass the bill, and I shall endeavour to get the information for the third reading of the bill when we meet in the afternoon. The bill is very short in its character and is simply an extension of the bounty system in aid of this industry. It enables the Governor General, under such regulations and restrictions as are made by order in council, to pay to the manufacturers of raw beet sugar, which is produced in Canada wholly from beets grown therein between the 1st July, 1895, and the 1st July, 1897, the bounty mentioned in the bill, such bounty in no case, however, to exceed one cent per pound, or $1 per hundred. The additional provision in this bill is that the cost of supervision in connection with the carrying out of the provisions are to be paid by the producer. I will endeavour to get the information asked for by the hon. gentleman. I may mention that this is a reduc-

tion of 50 per cent on the bounty formerly paid. Those engaged in the industry are quite prepared to accept this amount in consideration of the duty which is proposed on the raw material.

The House resolved itself into a committee of the whole on the bill.

Hon. Mr. DEVER, from the committee, reported the bill without amendment.

The Bill was then read the third time and passed.

## CUSTOMS TARIFF ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (146) "An Act to amend the Customs Tariff, 1894."

The bill was read the first time.

Hon. Sir MACKENZIE BOWELL moved the second reading of the bill. He said: The Senate will not require any explanation as to the tariff changes. They are principally affecting the duty on spirits imported into the country. On nearly all the different kinds and varieties of spirits that duty has been raised from $2.12\frac{1}{2}$ to $2.25, and the duty of $1\frac{1}{2}$ cents a pound which has been imposed on raw sugar does not apply under 16. The House will remember that under the old law it was restricted to 14, so that it gives the importer an extra two degrees. The duty imposed on the raw material up to 16 is $\frac{1}{2}$ cent a pound and upon the refined sugars $\frac{1}{14}$-hundredths being a proportionate increase upon the refined to that which is imposed upon the raw. That is in figures, but it really is not as high protection to the manufacturers as they had under the old law by 14 per cent, by reason of the loss sustained in the manufacture of the raw sugar into the refined. Still it was considered sufficiently high to give that protection which is necessary to continue the carrying on of the industry in this country. Since these tariff items passed the Commons, an additional clause has been added to the two items within the last two days. One was to cover the case of the free importation of fresh salmon into the country, in order to meet the interpretation which has been given to the present Tariff Act in the United States. It affects the Pacific coast probably more than it will the provinces on the Atlantic. They have decided that fresh salmon can be admitted into the United States free and we have so amended our law as to permit the salmon which is caught at the mouth of the Columbia River, or below the Fraser in United States waters, to be brought into Canada. As was indicated a couple of days ago, they have given an interpretation to the clause which provides for the admission into the United States of lumber or Canadian boards which are planed, grooved and tongued. They put it on the dutiable list. We propose to reciprocate in that item, in the same manner as we have in the other, by taking power to the Governor General by proclamation to place grooved and tongued and planed lumber on the free list whenever we are met in the same way by the United States. In the meantime, planed, grooved and tongued lumber will, when imported into Canada, bear the same duty as is imposed upon similar lumber by the United States when sent to that country. In other words, it is purely reciprocal. It has met with the unanimous consent and approval of the House of Commons, and I have no doubt it will receive the sanction of this House also.

Hon. Mr. DEVER—I consider those great privileges, certainly, though the hon. premier said he thought it would affect the fish trade in British Columbia more than in the lower provinces. I rather differ from him in that. I think we have an extensive market for our fresh salmon. The only fear I have is that it will advance the price so much that we will hardly have any salmon on our own market, because in the face of a high duty we did ship large quantities of fish to Boston, New York, and other cities in the United States. I think this will enhance the price of fish, and will be a great boon to the fishermen of the country; and if you can succeed in getting tongued and grooved lumber into the United States, it will be another advantage.

Hon. Mr. POWER—If the United States let them in, we are not succeeding in getting them in. Give the United States credit for being a little liberal.

Hon. Mr. KAULBACH—Have the United States Government made any suggestion of letting manufactured boards,

planed, grooved and tongued, into their market?

Hon. Sir MACKENZIE BOWELL—No; the United States have not given any intimation of that kind. It was supposed that when the United States tariff item passed Congress that it included all that character of lumber, and, upon that presumption, we placed grooved and tongued lumber upon the free list. Now they have ruled it dutiable, and we reciprocate; but the moment that they give any indication of making it free in the United States, we will reciprocate by order in council.

Hon. Mr. POWER—That is, put the duty on and take it off if they take it off

The motion was agreed to, and the bill passed through all its stages under a suspension of the rules.

## THE WINNIPEG AND HUDSON BAY RAILWAY.

Hon. Mr. POWER—Before the orders of the day are called, perhaps the hon. leader of the House will be able to give us some information as to when we may expect prorogation.

Hon. Sir MACKENZIE BOWELL—I am in hopes that we will be able to prorogue this afternoon. There are only two bills to come up from the other House. One of them may give rise to some debate, but I am in hopes that the business can be completed in time to enable us to prorogue this afternoon. I may, in order to save time, explain the Winnipeg and Hudson Bay Railway Bill, although it is not before us yet. At present the company have a subsidy for what is known as the Hudson Bay Railway, running from Winnipeg northward to Hudson Bay. Forty miles of that road has been built, and it never having been completed, the subsidy was not granted. They had proposed, and did obtain permission a year or two ago, to change the route and go southward and pass through the narrows of Lake Manitoba and on northward through the Dauphin Lake country until they reach the Saskatchewan. At present the charter allows them to abandon the road at the terminus of the 40 miles, and permits them to start from any portion of that 40 miles running westward almost parallel with the Canadian Pacific Railway until it reaches Portage la Prairie, then proceeding north-westward on the line almost, not altogether, but in some places parallel, to the Manitoba and North Western Railway until it reaches Gladstone. The intention is to give them permission to start from Portage la Prairie or from Gladstone. That would avoid the paralleling of the Canadian Pacific Railway from Winnipeg to Portage la Prairie, and certain powers are reserved to compel them to commence their road at Gladstone. By that means they will not parallel any road, but from Gladstone will run directly north-west, opening up the Dauphin Lake country and not interfering with any other railway interest or enterprise. Of course, arrangements would have to be made at Gladstone with the Manitoba and North-western road for running powers to Portage la Prairie, and then arrangements would have to be made for running powers with the Canadian Pacific Railway to Winnipeg, or with the Northern Railway, which is a line running from Winnipeg to Portage la Prairie. I am strongly of the opinion that the road should not be permitted to be built where it would parallel either of these other roads. In building 100 or 110 miles from Gladstone northward, it would open up one of the very best portions of the Canadian North-west—I use that expression from the fact that it is now being quickly settled, and from the fact that it has been in the past proven that in that section of the country, although considerably to the north of Winnipeg, they have not been troubled with summer or early frosts. The reason given for that is that it lies in the valley between Lake Dauphin and Lake Winnipegosis. Whether the road will ever be continued to Hudson Bay, I am not prepared to say, nor am I prepared to say that I would be in favour of any extension beyond the Saskatchewan. If it reaches the Saskatchewan, it reaches navigable water northward and eastward and passes through a country which is rapidly settling up and which will be one of the most important sections of the North-west Territories.

Hon. Mr. OGILVIE—It is settling up faster, a great deal, than any other section of the North-west and has been doing so for two years, and there is hardly a settler there but is perfectly delighted with the country. I believe it is one of the best sections of country that we have in the North-west.

Hon. Mr. KAULBACH—The present contract does not involve any money grant, I suppose?

Hon. Sir MACKENZIE BOWELL—All that the government do is to divide the subsidies which have already been granted. The company is now entitled under its charter to $80,000 per annum for performing certain services to the country and 6,400 acres per mile for each mile constructed. What we propose to do is to divide that subsidy, allowing them to build half the way, about 110 miles, paying them $40,000 during the running of the road, and half the land grant, and upon the completion of the other portion, they would receive the balance of it. The bill involves no additional cost to the country.

Hon. Mr. KAULBACH—I am very glad to hear that, and I am also very glad that the line is to go through the Dauphin Lake country. I have always been in favour of the Hudson Bay Railway, and any line which runs in that direction, I must favour. I do not think the line from Gladstone, north to Dauphin Lake, would be such a diversion as some people think. It seems to me there is a lovely country in the Dauphin Valley, and as many persons went there years ago under the assurance that that country would be opened up by railway, we should have a railway there to carry out some of the pledges made in this House.

Hon. Mr. POWER—There is nothing, strictly speaking, before the House, but we may save time by expressing an opinion now. I have not seen the measure yet and it is not easy to discuss it until we have it before us.

Hon. Sir MACKENZIE BOWELL—The resolution embodying the principle of the bill is in the Votes and Proceedings of the House of Commons.

Hon. Mr. POWER—I see the resolution, but the resolution perhaps does not cover all the ground.

Hon. Sir MACKENZIE BOWELL—Yes, it covers all the ground.

Hon. Mr. POWER—Do I understand then that there is nothing in the bill except just what is in the resolution?

Hon. Sir FRANK SMITH—Yes.

Hon. Mr. POWER—I have not the original act here, but a point to which I wish to direct attention is this: it has been stated, we shall be better able to judge, whether correctly or not when the bill comes before this House, that the intention was, that the bonds to be issued by the company on this new road are to be a first lien. Now this company, as I understand, issued bonds some years ago, and £80,000 of those bonds are held by the contractors who built the forty miles of road running north from Winnipeg, and another amount of bonds is held by the parties in England who supplied the rails for the road.

Hon. Mr. MACINNES (Burlington)—Sixty thousand pounds.

Hon. Sir MACKENZIE BOWELL—In addition to this?

Hon. Mr. POWER—In addition to the £80,000—the company raised money on those bonds and the company have paid neither the contractors nor the persons who supplied the rails. As a consequence of the default of the company to pay for the rails, the company in England who supplied them have become insolvent. I am informed—it may be that my informant was incorrect—that the company will be in a position, under the legislation which they are asking for—whether they are getting it or not, I do not know—to completely wipe out that indebtedness. These bonds were made a first lien on the road, and upon all property present and future of the company, and of course if the bonds for the new road are made a first lien on that road, then the old bonds will be completely worthless, because the old road is being abandoned. It is to be hoped there is no intention on the part of the parliament or the government of Canada to become a party to what is nothing but a complete and barefaced swindle. Further, I do not think there are any merits in this bill at all. The amount which the government proposes to pay for 125 miles of road through what is practically a prairie country, will come to about $8,000 a mile. I think it would be a great deal better for the country to build the road and own it. They could build it for $8,000, and that would be better than handing it over to such a body as we know the Hudson Bay Railway Company to be.

Hon. Sir MACKENZIE BOWELL—To put myself in order, I move that when the House adjourns to-day, it do stand adjourned till 2.30 p.m. I do not object to the discussion; in fact I introduced the subject for the purpose of getting an expression of opinion, to ascertain whether we could dispose of the business in time to prorogue at 5 o'clock. I have heard something of this £80,000 of bonds, but not of the additional £60,000. It is an extraordinary statement that English capitalists should supply rails to the extent of about £60,000 sterling on such security for forty miles of road.

Hon. Mr. POWER—I did not mention the figure.

Hon. Sir MACKENZIE BOWELL—My hon. friend behind me did. It amounts to $7,500 per mile for iron alone. How in the world they got into debt to the extent of £80,000 to the contractors and £60,000 for rails, I cannot understand. What use the forty miles of road is to them now, I cannot well comprehend. It is there and the grass has grown over it, and nothing has been done. My hon. friend from St. Boniface, perhaps, would be able to tell us better about it. The security that these bondholders have now, is something to my mind which is chimerical. They cannot have any, and how this is going to affect their interests is a question that requires further investigation. If the company is authorized to change the route by which they can make it more profitable, it must affect the liabilities which are now upon the enterprise as far as it has been carried, favourably. I cannot conceive it possible that any person would advance another dollar on the road, unless, as the hon. gentleman says, they are to be preferential bonds which would have the effect of wiping out the existing liabilities.

Hon. Mr. MACINNES (Burlington)—Hon. gentlemen are all aware that forty miles of this line was completed from Winnipeg to a point north-west of Winnipeg. The contractors who built the line were paid by those bonds for work done, and the rails were purchased in England with bonds also. Neither of these debts has ever been paid. Under this bill the forty miles will be entirely abandoned, as the road will begin at Gladstone. The premier says there cannot be any possible security in that section of forty miles. There will not be if this bill passes.

Hon. Sir MACKENZIE BOWELL—Is there any now?

Hon. Mr. MACINNES (Burlington)—There is now, because it is part of the line and entitled to receive the land grant and whatever subsidy has been paid on this bill. I think it is legislation, when looked into, which cannot for a moment be allowed to pass in this House.

Hon. Mr. KAULBACH—No subsidy can be paid under this bill except for work performed, carrying mails, etc. If that work is not performed they will not be paid any.

Hon. Mr. MACINNES (Burlington)—My remarks were not directed to that particular part. They were directed to the forty miles already built, which under this bill would be entirely isolated and the bonds issued on it would be utterly worthless. If you change the route, you destroy the security. Is that an act which the Parliament of Canada ought to countenance?

Hon. Sir MACKENZIE BOWELL—They have very little security now.

Hon. Mr. MACINNES (Burlington)—They have the bonds. Why pass a law under which the holders of these securities will be deprived of any security whatever? These forty miles will be isolated. The original intention was to carry the road from the end of that forty miles on to the Saskatchewan. Now you abandon the forty miles altogether, and therefore you destroy the security of the bondholders.

Hon. Mr. SCOTT—There is no doubt the point is well taken by my hon. friend, because we first chartered a road from Winnipeg to Hudson Bay. The petitions and papers which were filed in support of that application I cannot lay my hands on. We can see there what prompted Parliament to grant this large subsidy of $80,000 a year. The petition set forth that it was going to be a great advantage to the people of the North-west to have a rival freight line, and that is what induced Parliament to give a subsidy of $80,000 a year. In 1891, when the company came forward for a change, we

renewed that grant and we used these words :—

A sum of $80,000 to be paid aunually on the construction of the railway from the end of the forty miles of the railway now built to a point on the Saskatchewan.

This is perfectly plain : there is the law. At the instance of the company, we allowed a change to be made. They were to build to the Saskatchewan and this $80,000 a year was to be paid, but it was to be paid for a line constructed from the end of the forty miles. The forty miles was then in existence, and parliament thought it would be a proper thing to aid them with the construction of the road from that extension. Now the proposition before us is an entirely new one ; it has nothing to do with this forty miles. The road is to be in a different section of country, and is not in the same direction even. They start from Gladstone, on the line of the Manitoba and North-western Railway. I am told there is a settlement for the first twenty-five miles, but that beyond that it is a level, swampy country where it is easy to build a railway, but where there are no settlers and where it can never be settled. The settlers of the Dauphin Lake region are on the west side of the lake, while this railway goes on the east side of the lake.

Hon. Mr. MACINNES (Burlington)—That was the original route.

Hon. Mr. SCOTT—I saw the plans an hour ago, and they indicated that the line was to go on the east side of Dauphin Lake. If not, they have been changed within an hour. But there is nothing to bind them. It was stated that they were to select the best country, but they will select the easiest country to build in, and the road built there will be abandoned, just like the forty miles, and only built for the purpose of making money for a few interested people. There never was a greater fraud than the proposition to aid this line. We know there has been pressure on the government for a considerable time to get some deviation from the original route that would enable the contractors to get out of it and recoup themselves for some advances. It is not proposed to pay the people who hold liens on the forty miles, as I understand it. I speak now subject to correction. From the latest information I have had, and the papers that I have read over, the original contractors protested against this contract going except under certain conditions, when they should have a right to be paid a portion of it. The English company that furnished the steel rails have had to go into liquidation. They did not get any money out of it. Somebody must have got the money. It appears the people who built the road were paid $400,000.

Hon. Sir MACKENZIE BOWELL—Does that form part of the £80,000 ?

Hon. Mr. SCOTT—My recollection is that the contractors claim that there was $400,000 due to them.

Hon. Sir MACKENZIE BOWELL—Is that a portion of the £80,000 ?

Hon. Mr. SCOTT—I do not know how that is. I wish to get the papers. Some gentleman has got them and they cannot be found. It is very important that we should have the papers here when we are discussing the subject in order that we might refer to them. There is the fact, patent to every hon. gentleman, that this is a new departure. It has no connection with the original intention under which Parliament decided to vote this large subsidy to the railway ; it is not even in accordance with the Act passed in 1891, but it is to be built in an entirely new country and under different circumstances and conditions, and is not really going to help settlement in the North-west. If it were to go on the west side of Lake Dauphin, there is a considerable settlement there.

Hon. Mr. FERGUSON (P. E. I.)—I understood the hon. gentleman to say, Lake Manitoba.

Hon. Mr. SCOTT—No, Lake Dauphin. I understand this railway is designated to pass east of Lake Dauphin, and not through the Lake Dauphin district.

Hon. Mr. POWER—It is not pretended that it is to go west of Lake Dauphin.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is partially right and partially wrong. If the 110 miles that it is proposed to subsidize now reaches Lake Dauphin, the other 110 or 120 miles to the Saskatchewan runs through a portion of

country similar to that which he has described. Those who have been in that section of the country, and who have any knowledge of it, will say that that 110 miles is running through new country; and, if that 110 miles is built, it is really a colonization road, although it may form part of the Hudson Bay road; and the difference would be that it would be running from Winnipeg, as near as possible on the west side of Lake Winnipeg, and through the narrows of Lake Winnipegosis, until it reaches the Saskatchewan. On the other hand, it begins at Gladstone, ending in the same place, and if it ever goes further it will be on the route of the Hudson Bay road now under charter.

Hon. Mr. SCOTT—I think in a matter of this kind, we should have the fullest and most reliable information. They have plans in the department of a good deal of this section of the country, and a large amount of it is surveyed, and the best and latest information I have been able to obtain is that when you get 25 miles north of Gladstone you pass through the poor country that I have described, and that the good country is in the district west of Lake Dauphin. The road does not propose to go there. But we are discussing a hypothetical question; there is no order in council defining the road; it is a perfect blank. Ought not Parliament to be favoured with a plan of the road?

Hon. Mr. MacINNES (Burlington)—We passed a charter last night for a railway through that district.

Hon. Mr. SCOTT—Here is a company getting authority to build from a point which Parliament never contemplated, getting permission to abandon the forty miles constructed, and given a charter under which they can vary 100 miles one way or the other. Before we are asked to vote, I think the government should pass an order in council defining the road. This matter has been four months under consideration and debate since the order in council was passed in March last under which they were to get the loan. Since that time the matter has been discussed in the press, and it would be only fair and proper that the government should insist on having the parties file a plan, and have it approved by the Minister of Railways, because, when the late Sir John Abbott was Premier in 1891, when this bill was under consideration, he formed a very pronounced opinion in this Chamber against the wisdom of Parliament aiding to that large extent a road of this character. The bill was withdrawn and it remained in abeyance for about a fortnight, and then we had the proposition, that the road should be subject to the approval of the Governor in Council. That was in 1891, and surely in four years the Governor in Council should have defined the line of this railway and given Parliament and the country the fullest information on the subject, because it does not seem reasonable or proper that for the next twenty years we should saddle the finances of the country with this huge item of $40,000 a year, or may be $80,000. We have been cheese-paring, cutting down the salaries of our officials, and starving other enterprises all over the Dominion that would have benefited materially the sections of the country directly interested in them, and here we are launching into a huge expenditure and one involving a large sum, where it will not serve any good purpose. If it were going through a fertile country, I would not object to it; but here there is no provision for running it after it is built. They will build it and abandon it, as they did the forty miles. With those experiences before us, can we honestly commit the country to the payment of such an enormous sum for a myth of this kind? Anybody who will look at the past history of the road will see that it is open to the gravest suspicion. The charter was granted in 1880 to the Winnipeg Hudson Bay Railway and Steamship Company. The road was then to be built to the mouth of Nelson River on the Hudson Bay. In 1894 they were authorized to construct a branch line to Winnipegosis, and to build fifty miles a year. In 1886 they had an amending act and then a consolidation with another road, and in 1887 they came forward for more legislation. The name was changed to the Winnipeg and Hudson Bay Railway Co., and they were to build from Winnipeg northerly to the Hudson Bay. In 1891 they had influence enough to get Parliament to give this large subsidy of $80,000 a year. The hon. gentleman behind me says that there was a disposition to throw out the bill, and not renew it at all; there was a majority against it in this Chamber, and it was only under personal pressure that it was allowed to go, and then only to

the Saskatchewan. But the project has grown and a number of people have got involved. I think it would be much better and I would really rather see $50,000 taken out of the public exchequer, and divided up among those sharks. That is the common-sense way of looking at it. Take $50,000 out of the exchequer, and, if it will keep out those sharks for the next few years, give it to them, because the bill is an outrage on all propriety and statesmanship. Here we have this bill brought into Parliament within a few hours of prorogation, with many chairs vacant, though it was announced, over and over again, that there was no more important legislation to be brought down, and this bill in particular was referred to. There must be some extraordinary pressure ; and I think it would relieve the government very considerably if this House were to throw out the bill. They would be doing a service not only to the country, but to the government, because I cannot conceive that men of prudence and common sense would allow their judgment to be carried away by a myth of this kind, when we have this experience before us of the abandonment of the forty miles. What security have you that they are going to keep the other road open? No greater security than you had about keeping open the forty miles, and to say that you will allow all that money to be wasted, to allow those creditors to go unpaid, I think is wrong. I do not know the details of the bill, and I speak subject to correction, but I know when I read the papers last there was a protest by the contractors that this subsidy should not be granted unless it was subject to the payment of the first claims. If they had bonds on the forty miles it would not be honest to let the legislation go unless the bonds were to be secured. If you are to call it the same road it must be saddled with the same liabilities and responsibilities. If we grant this aid, we will be derelict in our duty if we do not make provision that the subsidy shall be stopped if the road is not operated. It must only be given on the understanding that they will keep the road open and run one or two trains a day. With the experience we have had of the abandonment of that forty miles, it is an unsafe thing to trust the company with any discretionary power. In the first place there should be laid on the table an order in council by the government approving of the line in a certain direction, so that we should not be deceived as to where this line was to be built. One gentleman says it is to be in one place, and another gentleman speaks of another place. We know very well that a concern which has been able to bring influence to bear on the government cannot be trusted with discretionary power, and Parliament ought to know whether this road is to be kept open, or whether the contractors are merely to make a certain sum of money out of it. At the time the experimental surveys were being made on the road two years ago they were then looking out for an easy road to build and were not consulting the best interests of the country. They were endeavouring to ascertain what section of the country was the smoothest and most level and where the construction could be attended to with the least expenditure. The people up there are not interested in the road, because there is no population to support it, and this House will deserve well of the country and will score a point in the estimation of Canada if they save the country from this atrocious swindle that is being imposed upon the country.

The motion was agreed to.

## CRIMINAL CODE AMENDMENT BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (51) "An Act further to amend the Criminal Code."

Hon. Mr. POWER—On referring to the minutes of our proceedings of yesterday I find the amendment which I moved in committee has been incorrectly reported altogether. It makes my amendment to provide that seven jurors out of twelve might return a verdict, whereas my motion was that eleven might return a verdict. And with a view of getting my motion properly on record I propose to move the amendment on the third reading. I do not propose to make a long speech on it, but if the House will permit, I shall quote a few extracts from the standard work of "Trial by Jury" by William Forsyth. At page 197 of the library edition, I find the following with respect to the requirement of unanimity :—

"The origin of the rule as to unanimity may, I think, be explained as follows :—

In the assize as instituted in the reign of Henry II, it was necessary that twelve jurors should agree

in order to determine the question of disseizin; but this unanimity was not then secured by any process which tended to make the agreement compulsory. The mode adopted was called, indeed, an afforcement of the jury; but this term did not imply that any violence was done to the conscientious opinions of the minority. It merely meant that a sufficient number were to be added to the panel until twelve were at last found to agree in the same conclusion; and this became the verdict of the assize. It might perhaps be unreasonable to require that so large a number as twelve should be the minimum without whose agreement no valid decision could be made; but this is entirely a question of degree, and must depend very much upon the state of society, the amount of intelligence amongst the jurors, and other circumstances of a varying nature. We can easily understand that it would have been improper at that time to allow a single juror, who after all, as has been already fully explained, was nothing more than a witness, to determine a disputed right of possession; and in proportion to the magnitude of the question at issue would the concurrence of several testimonies be felt to be necessary, in order to arrive at a safe conclusion. The civil law required two witnesses at least, and in some cases a greater number, to establish a fact in dispute; as, for instance, where a debt was secured by a written instrument, five witnesses were necessary to prove payment. These would have been called by our ancesters a jurata of five. At the present day, with us no will is valid which is not attested by at least two witnesses. In all countries the policy of the law determines what it will accept as the minimum of proof.

And the writer goes on to point out that those jurors were not regarded as triers at all, were simply witnesses, and he compares the requirements of the twelve witnesses to the requirements of the civil law that there shall be two witnesses in any case and in certain cases five witnesses. At the present time no will is valid without at least two witnesses. Then he proceeds :—

> Bearing then in mind that the jury system was in its inception nothing but the testimony of witnesses informing the court of facts supposed to lie within their own knowledge, we see at once that to require that twelve men should be unanimous was simply to fix the amount of evidence which the law deemed to be conclusive of a matter in dispute.

There is a good deal more, but I shall not read it. On page 199 he says :—

> But in old times a verdict was sometimes taken from eleven, if they agreed, and in that case the refractory juror was committed to prison.

Then on the next page we find :—

> But it was decided in the reign of Edward III, that the verdict of less than twelve was a nullity, and the court said, that the judges of assize ought to carry the jury about with them in a cart until they agreed.

Then there is no higher authority on constitutional questions, no one whose opinion is regarded as of more value than Hallam. On page 203 he says :—

> "In a valuable note to his 'Middle Ages,' Mr. Hallam, speaking of 'the grand principle of the Saxon polity, the trial of facts by the country,' says, 'From this principle (except as to that preposterous relic of barbarism, the requirement of unanimity) may we never swerve—may we never be compelled, in wish, to swerve—by a contempt of their oaths in jurors, and a disregard of the just limits of their trust!' This is a stern judgment against the policy of the law which requires that a jury, if it delivers a verdict at all, should be unanimous."

And then the writer goes on to consider and agrees with Hallam that it is not a reason. At page 207 the writer quotes a report made by the commissioners appointed in 1830 to report upon the courts of law :—

> "It is difficult to defend the justice or wisdom of the latter principle. It seems absurd that the rights of a party, in question of a doubtful or complicated nature, should depend upon his being able to satisfy twelve persons that one particular state of facts is the true one."

Hon. Mr. FERGUSON—That refers to civil cases.

Hon. Mr. POWER—Yes, that particular paragraph. At page 209 he says :—

> It seems impossible to answer or evade the force of this reasoning. And yet, although twenty years have elapsed since the above recommendation was made in a report to the crown, signed by some of the most distinguished lawyers of the day, so slow is the march of improvement in the law, that it has never been carried into effect, and the rule as to the unanimity remains in all its rigid necessity at the present day. In this case, however, let it be observed that lawyers proposed the change, and that, so far, the profession is not answerable for the continuance of a mischief which, in the words of the report, is injurious to the interests of justice. Why should the perverseness of knavery of a single juryman be allowed to invalidate the verdict which eleven others are agreed to give? Many years ago Professor Christian expressed his opinion "that the unanimity of twelve men, so repugnant to all experience of human conduct, passions and understandings, could hardly in any age have been introduced into practice by a deliberate act of legislature;" and it remains to be seen whether the legislature will much longer tolerate such an anomaly.

Well, the argument there applies, the logic applies just as well to criminal cases as to civil. In Scotland they require the jury to be unanimous in civil cases and allow them to differ in criminal cases. The majority can give a verdict in a criminal case.

Hon. Mr. KAULBACH—For a capital offence?

Hon. Mr. POWER—I do not know about capital cases.

Hon. Mr. KAULBACH—I think not.

Hon. Mr. POWER—I shall just quote what the writer says :

In Scotland, however, exactly the reverse has happened. There juries in civil trials, under the system recently introduced, must be unanimous, while the verdict in criminal is determined by the majority.

In France and in Germany the juries are not required to be unanimous in criminal cases. That you will find set out at page 213 of this work. I simply call attention to these facts in order to show that what I propose is not an unreasonable thing, and to show further how this requirement of unanimity came to exist :

The time is fast approaching, if it has not already come when trial by jury, like every other part of our legal fabric, will become the subject of public criticism, and I feel pursuaded that then it will be found impossible to justify or retain a rule which is opposed to both justice and expediency.

I therefore move that the bill be not now read the third time, but that the first clause be amended as follows :—

Page 5, line 18.—After "trial" insert the following :—

Section 727. By adding the following subsection thereto :—

3. It shall not be necessary that a jury shall be unanimous, but after four hours' deliberation seven jurors out of twelve may return a verdict which shall for all purposes have the same effect as a verdict concurred in by all the jurors.

Section 728. By inserting after "agree" in the second line the words "as provided in the next preceding section."

The amendment was lost on division.

The bill was then read the third time and passed.

## BEET-ROOT SUGAR BOUNTY BILL.

THIRD READING.

Hon. Sir MACKENZIE BOWELL moved the third reading of Bill (148) "An Act respecting the bounty on Beet-root Sugar." He said : I have the figures now in reference to the bounty paid for beet root sugar from 1891 to 1895, and with the consent of the House, I will give the facts. We paid in 1891-2, $23,756.56 ; 1892-3, $20,568.00 ; 1893-4, $7,765.97 ; 1894-5, $27,135.76.

So that for the four years we have paid, as a bounty upon beet root sugar produced in this country, $79,236.29, showing that when it was first granted in 1892 the bounty paid was as high $23,766. It then fell, owing to the failure of the company that had been engaged in the enterprise in 1893-4, to $7,765, showing that either there was a failure in the production of the beet or a failure in the management of the business. The principal reason, I am inclined to think, was, that they found it difficult to induce the habitants of that section of the country to go into the growing of the beet to the extent that they anticipated ; but for the year 1894-5 they induced the farmers to take up this enterprise through the bounty which they received from the Quebec government, and the extra price they were able to get on account of the bounty which we gave, and they produced raw sugar to a quantity sufficiently great to enable them to claim $27,135 from the government. The present rate will not be higher than a cent a pound, which would be a dollar per hundred for two years longer, when it is hoped the full test will be made and the bounty will cease, and that the duty which we have placed upon the raw material will be sufficient to warrant those engaged in the enterprise in continuing. If not, it will have to be stopped.

The motion was agreed to and the Bill was read the third time and passed.

## INDEPENDENT ORDER OF FORRESTERS BILL.

BILL WITHDRAWN.

Hon. Mr. CLEMOW—We endeavoured to have a meeting of the committee this morning but failed. There were three courses open to us ; one was to submit it to a committee of the whole, another was to reduce the quorum of the committee, and another to withdraw the bill. The promoters of the bill desire to take the last course and the bill will be withdrawn for this session. They presented their bill in time, but it was impossible to get it through. Of course it is the fault of the system. Before another session something should be done to prevent a repetition of this occurrence. It is unfortunate that people who seek for legislation should be thwarted in this way. The bill was retarded in the other House,

and comes to us too late in the session. It is withdrawn at the present time, but will come up next session, and I hope it will meet a different fate. I now move for the remission of the fee, less the expense of printing.

Hon. Sir MACKENZIE BOWELL—This will teach those who have bills the propriety of introducing them in this House first. We can deal with the business of the country while they are discussing politics below.

The motion was agreed to.

The Senate then adjourned.

## SECOND SITTING.

THE SPEAKER took the Chair at 2.30 p.m.

Routine proceedings.

## WINNIPEG AND HUDSON BAY RAILWAY.

Hon. Mr. BERNIER—As I am about to leave for home and the Hudson Bay Railway bill may not come up from the other House before my departure, I want to say a few words in favour of the measure. That railway is needed by a large portion of the people in Manitoba. The Dauphin district is a fine country, and is settling very rapidly, but it would settle still more rapidly if that railway were built. We do not see any other means of constructing that road than by passing this bill. I do not know what can be done about the forty miles which have been referred to here to-day. It is called a railway, but it is not a railway at present, and is of no consequence to the bondholders. It would not change their position whether this bill is passed or is rejected. What they call their security is no security at all if it is left as it is at present, and it will be left as it stands whether this bill passes or not. The rejection of the bill will not at all improve the position of the bondholders, so far as the forty miles is concerned, and therefore I think that objection is not valid. For the rapid development of that part of the North-west the bill should receive the support of this House.

The Senate was adjourned during pleasure.

After some time the House was resumed.

## THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A Message was received from the House of Commons with Bill (149) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending 30th June, 1896, and for other purposes relating to the public service."

The bill passed through all its stages under a suspension of the rule.

The Senate was adjourned during pleasure.

After some time the House was resumed.

## WINNIPEG GREAT NORTHERN RAILWAY COMPANY'S BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (150) "An Act respecting the Winnipeg Great Northern Railway Company."

Hon. Sir MACKENZIE BOWELL moved that the bill be read the first time.

Hon. Mr. MACINNES (Burlington)—I move that the said bill be not now read the first time, but that it be read the first time this day three months.

Hon. Mr. SCOTT—I think it is scarcely fair to the Senate that we are called upon to consider a Bill of this important character without the possession of the bill itself. There is only in this Chamber now a single copy of this bill; and the Bill, as I know from being present in another place, has been changed materially since it was introduced this morning; so that I think it is manifestly unfair and improper that this Senate, if it has any respect for its dignity and position, should take up an important measure of this kind within 45 minutes of the time His Excellency has arranged to come down and prorogue Parliament. The bill is, perhaps, the most important measure that has been introduced during the present session. It seeks to impose a tax upon the people of this country of $80,000 a year. I believe it is modified, that if they build half the road—I speak subject to correction, because I have not the Bill and do not know the contents of it—the government will be authorized to extend the payments of $40,000 a year. The

main features of the Bill are to ratify and confirm the grant of $80,000 to this road. There is not even a provision in the Bill that the road shall be kept open. The road may, as was the case with the forty miles from Winnipeg, be constructed and this subsidy sold to credulous investors, and the money pocketed by the parties who are interested in this scheme and the line may never be operated, all to the detriment of the people of Canada. It is well known that the original Company was granted very large subsidies; a subsidy of $250,000 was granted by the Provincial government, and subsidies in the way of land by the Federal government, large grants of 6,400 acres per mile for a part of the distance, and 12,000 for another part of the distance; and even with all that assistance, the $250,000, the bonding of the road for so many thousand dollars a mile, there the forty miles has remained for the last few years without a single car running over it. There is the patent fact, which on its face shows that the whole scheme is a deliberate fraud. It has been a fraud from the beginning; it goes all the way back to 1880, when the charter was granted to the Hudson Bay Railway and Steamship Company. There is not a clause in the bill which compels the company to keep that road open. They can, as a mere matter of speculation, sell this subsidy of $80,000 a year; and the people of Canada will for the next twenty years have to pay $80,000 in order that a certain number of persons may make a speculation and recoup themselves. As the bill stood originally, and as it now stands, I think it attacks private interests. The government of Manitoba advanced the sum of $250,000 to this road. Under the contract with the government the company were to give the government of Manitoba an acre for every dollar advanced. That is 250,000 acres. That contract has never been carried out. The company issued bonds on this road for $20,000 a mile and they gave a portion of these bonds to the contractors and another portion to an English iron firm, and it is needless to say that not one dollar of interest has been paid on the bonds; they have been in default. So there are the original creditors of the road, the sub-contractors under the present company, who have a large claim (I do not know what the amount is—I think about $400,000); and there is the claim of the company in England that advanced the steel. Well, hon. gentlemen, are you going, by an act of Parliament, to approve of a swindle of that kind? Are you going to say here, deliberately, by the passage of this bill, that you approve of the policy and course adopted by this company? If you do, I say we place Canada in a very unenviable position in the British market. The Parliament of Canada, in order to serve the purposes of those people who have already been guilty of a gross fraud, is going to enable them to continue the fraud if they can find people credulous enough to advance money upon the bonds. The effect of the bill may be, as I am advised,—I have not time to analyse it myself, because it is quite impossible to do so in this hasty way—to defraud those creditors of the company. In order that those creditors might have had an opportunity of appearing here to oppose the bill, ample notice should have been given under the rules of Parliament to all persons interested in the construction of the railway, inasmuch as there are large private interests and rights affected. We ought to be exceedingly sensitive, exceedingly careful, that interests of that character should not be prejudiced or disturbed by our legislation.

Hon. Sir MACKENZIE BOWELL—They are not by this bill.

Hon. Mr. SCOTT—The hon. gentleman says they are not by this bill. I cannot take that on trust. This bill has been changed so often, and changed within the last few hours, that it is quite impossible to understand its provisions, and I do not think it is fair for the hon. minister to ask us to take up a measure of this character without having an opportunity of reading it. I have had no opportunity to do so. I tried to get it. I went half a dozen times to the distribution office to ask if they had a copy of it. They said they had not. I made them telephone to the printing office, and they said they knew nothing about the bill. I do not know where the bill has been printed; it must have been at a private office. I said to the official in the distribution office, "This bill has been printed in the government office." He telephoned to the Bureau, and they said no, it had not been printed there. I thought it very extraordinary. I said, "I believe there are copies of it in existence, because I was

told a gentleman had a copy of it." The official replied that the printing office knew nothing about it. So I concluded it must have been printed somewhere else.

Hon. Sir MACKENZIE BOWELL—It does not matter where it was printed.

Hon. Mr. SCOTT—Except that I would have got a copy of it, if I had known where it was printed, because I thought it most important that I should have had a copy at an early period. But that is the position. It must have been practically stolen into the Chamber within the last 45 minutes in a most improper manner. In all my experience in Parliament, I never knew of an instance of this kind, where a bill of such importance and of this character was held back until the very last day, and brought on at the eleventh hour to be run through the Senate, when it is very well known that the people outside are very much excited over this matter. There is a very considerable difference of opinion about it outside and a very large public opinion that it is not proper legislation, that it is not serving anybody, that it is not even serving the section of the country through which it is proposed to build this road, because I presume if the road is to be continued from the end of the forty miles that the enterprise cannot possibly pay ; that the only object in building it would be to earn the government subsidy. There could not be any other reason for it. I maintain that if that amendment is introduced, authorizing the government to subsidize a company building from Gladstone, it is an evasion of the charter of the company. It is a fraud on the creditors of this company, because it would be an entirely new road. It is not such a road as the Winnipeg and Hudson Bay Railway Company were authorized to build under their charter, and until they come into Parliament and get a charter to build from Gladstone, this line from Gladstone north is not their road, and the bonds that were issued by the Winnipeg Great Northern road will not be a lien upon it.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman would not consider it an impertinence on my part to interrupt him—I do not desire to be impertinent—I would remind him that he is talking now on matters not contained in the bill at all.



Hon. Mr. SCOTT—I beg pardon, I am.

Hon. Sir MACKENZIE BOWELL—No, you are discussing a question of changing the route and giving the company an opportunity of building it as I explained this morning. That has all been eliminated by the ruling of the Speaker in the Commons on account of it being considered part of a private bill.

Hon. Mr. SCOTT—I will read the bill if you will let me have it.

Hon. Sir MACKENZIE BOWELL—Yes, and then you will save yourself all the trouble of talking.

Hon. Mr. SCOTT—In order to know what is repealed, we will take up that act and read that clause. The bill reads as follows :—

In order to enable the Winnipeg and Hudson Bay Railway Company to construct so much of their railway as reaches from the city of Winnipeg to a point on the Saskatchewan River, the Governor in Council may enter into a contract with such company for the transport of men, supplies, materials and mails for twenty years, and may pay for such services during the said term eighty thousand dollars per annum, in manner following, that is to say : the sum of eighty thousand dollars to be paid annually on the construction of the railway from the end of the forty miles of the railway now built to a point on the Saskatchewan River,—such payment to be computed from the date of the completion of the railway between the city of Winnipegand a point on the Saskatchewan River : Provided that the Governor General in Council may order such sums to be paid in semi-annual instalments, and may permit the company to assign the same by way of security for any bonds or securities issued by the company in respect of the company's undertaking.

Now there is no doubt about that. This bill proposed to change that.

Hon. Sir MACKENZIE BOWELL—It does not do anything of the kind except to change the mode of payment.

Hon. Mr. SCOTT—I beg pardon ; it authorizes a change. That clause is absolutely repealed :

1. Clause one of the Aid Act is hereby repealed, and in lieu thereof it is hereby enacted as follows : In order to enable the Winnipeg Great Northern Railway Company, formerly the Winnipeg and Hudson Bay Railway Company, to construct so much of their railway to Hudson Bay as reaches from the city of Winnipeg to the Saskatchewan River, the Governor General in Council may enter into a contract with the company for the transport

of men, supplies, materials and mails for a term of twenty years, and may pay to the company for such services during the said term $80,000 per annum in the manner following: One-half of the aforesaid sum of $80,000 to be paid annually, commencing from the date of the completion by the company of one-half of their line to be constructed between Winnipeg and the Saskatchewan River, the remaining one-half of the said sum of $80,000 to be paid annually commencing from the date of the completion of the remaining one-half of their line to be constructed between Winnipeg and the Saskatchewan River, provided that such sums shall be paid in semi-annual instalments, and the company may sell the same or may assign the same by way of security for any bonds or other securities issued by the company in respect of the company's undertaking.

2. The Governor General in Council is hereby authorized and empowered to alter and to modify the said contract in accordance with the terms of the Aid Act and of this act.

3. In the event of the contract not being entered into with the company in compliance with the terms of this act, in so far as the same relates to the construction of the first half of the company's railway, the Governor General in Council may, subject to the terms of the said Aid Act and of this act, transfer the amount applicable to such first half of the company's railway, namely, $40,000 a year for twenty years, to a company authorized to construct a line of railway from Portage la Prairie or Gladstone, to Lake Dauphin or thereabouts.

Who is right about that? Is it not perfectly clear that authority is here taken to grant a new charter to a new company or to amend the charter of this company? Nothing could be plainer. It is granting a charter for a different section of the country, hundreds of miles away from that section and not running in the same direction—running on the other side of Lake Manitoba. That is perfectly plain. In building a line from Winnipeg to Hudson Bay, it was not supposed that you went west of Lake Manitoba. The very fact that the line is laid off between Lake Winnipeg and Lake Manitoba is the best evidence of that. Why did the promoters of the bill construct the forty miles of road if they did not regard that as in the line running northerly to Hudson Bay? That was the point that they took, which was east of Lake Manitoba. Gladstone is west of Lake Manitoba, through a different section altogether. You might as well contend that you could grant a charter to build on one side of Lake Superior and then say that you might build on the other. It is precisely the same. The very fact of their building that forty miles is the best proof that that was the understanding and the only construction that the charter was capable of bearing. So that I am perfectly right in my contention that there is an evasion at present.

In the event of the contract not being entered into with the company in compliance with the terms of this act, in so far as the same relates to the construction of the first half of the company's railway, the Governor General in Council may, subject to the terms of the said Aid Act and of this act, transfer the amount applicable to such first half of the company's railway, namely, $40,000 a year for twenty years, to a company authorized to construct a line of railway from Portage la Prairie or Gladstone, to Lake Dauphin or thereabouts.

Is not that perfectly clear? There is a new charter and a new company, and by granting that you destroy the vested interests of creditors to the extent of considerably over half a million dollars. There is the subsidy granted by the province of Manitoba, over a quarter of a million, and there are the bondholders and sub-contractors who hold half a million between them. I endeavoured to get the file connected with this, but it has been kept somewhere in the other Chamber. The House of Commons has it apparently, and I have been unable to get it. I should like to have given the House the details of these claims that are set forth in this correspondence. The contractors protest against the contract going as it did. If they were satisfied with it, or if it were not going to interfere with their liens they would have been only too glad to see that large sum of money expended to improve their security. On the contrary, they protested against the government granting a charter of this kind, because it is perfectly notorious that the company does not propose to build from the end of the forty miles. They have no idea of doing it. If the hon. gentleman says there is no intention to deviate, and will strike out the last lines that I have read, I shall be glad to withdraw my opposition, but certainly I am not going to consent to chartering a company to construct the line through a new section of country without giving notice to the parties interested. In cases of that kind, the rules of Parliament require that two months notice shall be given before the bill is introduced, in order that all persons who have any interest in the enterprise may be apprised of their position and may appear before the Committee of Parliament and have an opportunity to take exception to any clauses of the bill. That is the practice of Parliament; that is the rule in both Houses, and it is a rule that we ought not to break, be-

cause it is a rule in the interest of equity and common interests Otherwise, at the last moment, a new charter may be sprung upon Parliament. The liens already existing on the forty miles are not worth the paper they are written on. The only value about them is the rails that are lying there, and they have only the value of old iron, because they have been lying there a great many years. My contention, therefore, is perfectly right, that this is a grant of a new charter to a new company, or to the old company if they wish to take it up, and, therefore, contrary to the rules of Parliament. The whole history of the scheme shows that it was born in iniquity, and has grown up in fr ud and discredit. Time after time the attention of Parliament has been called to its character, and but for the good nature of Senators on several occasions this charter would have been allowed to expire, but not supposing that any improper uses were to be made of it, the usual courtesy was extended to the bill, and it was allowed to prolong its life. The company was first chartered in 1880, and it was known as the Winnipeg and Hudson Bay Railway and Steamship Company; the object was to build a road to the Nelson River or some port on Hudson Bay. It is needless to say they failed entirely; they made no attempt whatever to carry out that charter. They came to Parliament in 1884 and were authorized to construct a branch from the main line; they were to build under that charter fifty miles. That was in 1884. Needless to say, they never built a mile of it. They were to run from a point at or near Selkirk, or Winnipeg, to Nelson, Churchill or some other points on Hudson Bay, and to amalgamate with the Nelson Valley Transportation Company, which was also a myth. In 1886 they came to Parliament again for an amendment to their charter and an amendment was granted in accordance with their wishes. In 1887 they came to Parliament and asked to change their name to the Winnipeg and Hudson Bay Railway Company, and they were then to build from Winnipeg northerly to Hudson Bay. That charter very nearly expired. It is the existing charter, practically. Under that charter the company was to start from Winnipeg, and run in a northerly direction to Port Nelson or Port Churchill. I shall just read the clause showing that I am quite right :—

> The company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway of a gauge of four feet eight and a half inches in width from the city of Winnipeg northerly to Port Nelson or Churchill or some other point on the shore of Hudson Bay, and to construct a branch from any point on its main line at or near the crossing of the Saskatchewan River to a point on the Canadian Pacific Railway west of Lake Winnipegosis; and the same together with such other branch lines as shall be hereafter constructed by the said company, shall constitute the line of railway hereinafter called the Winnipeg and Hudson Bay Railway.

I should like to have had the file of papers here, and I ought to have had them here. I asked that all the information before the House of Commons should be given here, and the Premier promised that we should have the plans which had been brought down to the House of Commons to illustrate this matter. I had access to the file two or three days ago, but returned it to the clerk——

Hon. Sir MACKENZIE BOWELL—What file?

Hon. Mr. SCOTT—The file moved for in the House of Commons last May. I have sent for it two or three times. The file of papers will show the motive which prompted Parliament to give this large sum of money. It was for the purpose of making connection with Hudson Bay, not for the purpose of building a local road, not with a view of colonizing the Lake Dauphin district, or the Riding Mountain district, or any other district of the North-west, but simply for the purpose of building a road to Hudson Bay, and the intention was obvious. There were a great many people in this country, and there are still people who believe that the Hudson Bay scheme is a feasible one. I do not. The subject was pretty well threshed out in this Chamber some years ago, and it was pretty well decided, by a majority of this Senate, that the Hudson Bay route was not feasible, that the bay was closed for the greater part of the year, and that therefore it was folly to subsidize a railway to such an enormous extent to build to a port where it could be of no earthly use. It is very well known that there is no settlement in that country, that the land is of such an inferior character that it would not warrant immigration going in there. On the forty miles running from Winnipeg the existence of the rails has not prompted people to settle there.

Under ordinary conditions if you build a railway the effect is to draw a population and the section of country is filled up. That is the object in building a road, to afford facilities to people who are there and to increase the settlement. Why did we build the Canadian Pacific Railway if it was not to bring people to the North-west? We built it, as we supposed, through that portion of the country which would attract settlement in the most marked degree.

Hon. Sir MACKENZIE BOWELL—That is where the hon. gentlemen made a mistake.

Hon. Mr. SCOTT—Perhaps we did It was a mistake of the hon. gentleman and his friends. Had the Canadian Pacific Railway been built on the line advocated by the Liberal party, it would have been constructed much more slowly, and the best section of the country would have been selected. However, that is apart from the subject. The best evidence of the folly of any extension of the road northward is the fact that, although the enormous sum of $1,000,000 has been expended on forty miles running north from Winnipeg, yet you have not got a population there. With the railway in existence, it would not pay to run a train over it. Is there any similar condition in any other part of Canada? There may be a road or two that the government have subsidized lately—I need not mention names, but I have one in my mind's eye, one that has been closed up. We ought to stop that folly; it should not be continued. We should show more sense and judgment. The expenditure of $80,000 a year would be wise and judicious in many parts of Canada. There are portions of the Dominion where you have a chance of promoting settlement. The hon. gentleman from Prince Edward Island has been advocating the building of additional railways in his island, where the population is more dense than anywhere else in Canada. There are some grounds of justification for the construction of those roads, because the people are there to sustain them. They would have the effect of improving the business of that section of the country; but here you have no settlers, nothing to carry over the road, and you are going to perpetrate that folly by adding one hundred and twenty-five miles of road where the forty miles do not pay. There is not a white settler within ten miles, perhaps, of the route, until you come to the Hudson Bay post on the Saskatchewan. That is the information which has been obtained since this measure was before Parliament on the last occasion. Hon. gentlemen know that the Senate of Canada is frequently attacked. It is said that we are here to register the judgments of the House of Commons, that we are subservient to the government of the day, that all measures coming up to the Senate, in which the government have an interest, are perfectly safe in this House. Now, this Chamber is independent. This Chamber ought to be governed by a higher principle than favouritism to any government. The Senate have a responsibility to the country, and on the present occasion they should rise to the importance of it and gather some éclat from the independent course they could take on this bill. Is there one member in this Chamber who will say that it is justifiable, on any other principle than because the government favour the scheme, to construct this road? I would not do any hon. gentleman the injustice to suppose for one moment that he was so bereft of common sense as to say it was justifiable to expend $80,000 a year for the next twenty years on such a scheme, a scheme originated in fraud and propagated and supported because a number of people are creditors of this road. It is notorious that on former occasions, when this bill was before Parliament, below that lobby there were gentlemen buttonholing members, saying, "My firm is a creditor of this road to the extent of $5,000," and another, "My firm is a creditor of the company to the extent of $25,000." A legal firm in Winnipeg, it is notorious, canvassed Senator after Senator, in order that their account of $25,000 might be paid out of the treasury of this country. If the contractors and the men who are behind this scheme have got the government of this country by the throat, I am willing, if it is to relieve the government, to say, Put your hand in the public treasury, steal $50,000, but let us have an end of it; do not ask us to saddle $80,000 a year on the country for twenty years to come. No grosser or more disgraceful measure was ever brought forward within the halls of Parliament, and if the Senate desire to place themselves in a true position before the people of Canada, they will on the present occasion rise to the importance of it and vote against this bill.

The scheme has not a single redeeming feature to commend it, and the worst of it is, when the government were asked to put in a clause, enacting that the people of this country should not be called upon to pay this $80,000 a year unless the road were kept open, they voted it down. Does that show an honest intention? Is there a railway company that can be named, in any other part of Canada, which if offered a subsidy of $80,000 a year, would hesitate in agreeing to a proposition that if they failed to keep the road open the subsidy should cease? Let me put this position: Supposing that the government, at the time they brought in this measure, had said: this aid shall be granted *pro rata* for the mileage built. The company built forty miles; what would you think now if we were paying an annual subsidy on that forty miles already constructed? Would you say it was honest, just or right?

Hon. Sir MACKENZIE BOWELL—No one asks us to do it. Do not get up hypothetical cases: they might as well ask us to pay $40,000 for ten miles.

Hon. Mr. SCOTT—You propose to us that if the company build half the road half the subsidy shall be paid. I say, put in an amendment to provide that if they fail to keep the road open and run trains, then the annual payment shall cease. What is the annual payment granted for? The words in the statute are that they shall render value for it. The $80,000 was not to be given to waste it on a road in the wilderness. It would be much better to give it to them to spend elsewhere. The $80,000 was given to pay for transporting men, supplies, mails and material. When the proposition is made, "granted we give you $80,000, will you continue to transport the mails and the supplies for the Indian Department and perform the other services named in the statute," they say, "no, we will not; we will not undertake any conditions." They say "we want the $80,000 and if we leave the road there, the $80,000 has to be paid to us for twenty years." Is that honest or just? Will any member say that he would be justified or warranted in taking out of the public treasury that enormous sum in order that those sharks may be enabled to waste a certain amount of money? I do not think that the good sense of this House is gone. I am sorry to see so many empty chairs. It is very much to be regretted that a proposition of this kind is discussed with only about one-fifth—perhaps not so many—of the members of the House present. This Bill cannot go through to-day, because it has to be opposed at every stage. The hon. gentleman may just as well withdraw it. A greater outrage was never attempted to be perpetrated on the people. The government deliberately bring down a bill of this importance in the last hours of the session.

Hon. Mr. McINNES (B.C.)—The very last hour.

Hon. Mr. SCOTT—Actually the bill did not come to us until within an hour of the time when prorogation was to take place. No member of Parliament can point to a case in which the government have dared to so insult the representatives of the people as to submit such a measure at the eleventh hour. Is the Senate not to be consulted in legislation of this kind? Is the Senate to be asked to pass a bill of this nature, coming up 45 minutes before His Excellency is expected to appear to prorogue the House, and to pass it without recording a vote, without having a copy of the bill before us, without understanding the amendments made to it elsewhere, without being in a position to look at the amendments or to modify the great evil that is likely to ensue? The Premier, who is the leader of this House, is asking too much—demanding more than has ever been asked by any government of Canada. The foundation of the bill goes back to last November. The correspondence that ought to have been on the table this morning would have shown to hon. members that the government have been preparing a measure to assist the contractors so far back as last October. The correspondence would have shown that communications were passing between the Minister of Railways and the other members of the government and the promoters of this measure so far back as November; and we know, as a matter of fact, because the order in council has been published, that on the 5th March last, the government proposed to hand over from the exchequer of this country $2,500,000 as a loan to a company that had no assets. But they say we have given them a subsidy in land and money.

Hon. Sir MACKENZIE BOWELL—I call the attention of the Speaker to the fact that the hon. gentleman is discussing everything but the provisions in the bill.

Hon. Mr. SCOTT—I am dealing with the foundation of this bill, and I have a perfect right to go back. The hon. gentleman does not pretend to say that I am compelled to confine myself to the Bill.

Hon. Sir MACKENZIE BOWELL—Certainly.

Hon. Mr. SCOTT—The bill is one of wide proportions. It has been changed half a dozen times. Is it not a fact that the government were going to lend this company $2,500,000, and because public opinion was so pronounced they did not dare to do it? At the time they proposed to give $2,500,000 they intended to have a general election. Some people are wicked enough to say—of course I would not join in that—that the government had an interest in it—that they were to share the spoil with the promoters.

Hon. Sir MACKENZIE BOWELL—I call the hon. gentleman to order. He should not impute motives of that kind to the government. If he were not here the paid agent of some other persons he would not dare to use such language.

Hon. Mr. SCOTT—I am not paid by any one.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman ought not to have the audacity and impudence to accuse the government of taking part in a swindle. It is only men who would enter into a corrupt bargain of that kind themselves who would accuse others of such conduct.

Hon. Sir FRANK SMITH—The government is not made of that material that the hon. gentleman insinuates, he had better take care!

Hon. Mr. SCOTT—I said it was rumoured outside.

Hon. Sir MACKENZIE BOWELL—Rumour says that the hon. gentleman is paid for what he is doing here.

Hon. Mr. SCOTT—It is not true.

Hon. Sir MACKENZIE BOWELL—It is truer than the other statement, and it is a piece of audacity to make such accusation against men who are more honourable than he is himself.

Hon. Mr. SCOTT—You can go back to my speeches for the last ten years and all are in the same key in reference to this scheme. Go back to the introduction of this project and you will find that on every occasion I pointed out the absurdity of the scheme. I contended that the proposition to navigate Hudson Bay was not a feasible one, that it was a folly of the largest magnitude and that it was improper for this Parliament to favour such a project.

Hon. Sir MACKENZIE BOWELL—That is a very fair argument. The hon. gentleman should not, however, throw out insinuations against men who are more honest than he is himself. I could give a short history of the hon. gentleman that would be interesting.

Hon. Mr. SCOTT—I have a perfect right to talk in the public interest here. That is what I am doing. The public have a right to be protected in this matter, and I say that my course from the very first stage of this measure has been consistent. I have denounced it on every occasion, and have condemned the government time and again for favouring the scheme. It would have been well if the government had taken my advice and not proposed to grant this enormous subsidy. I repeat what I said before: the hon. gentleman cannot point to a single instance where a bill of this magnitude has been introduced, not alone in Canada, but anywhere in the British dominions—a bill that has evoked such public opposition, such strong criticism in the public press. Even the hon. gentleman's friends are not unanimous on the subject. Many of them are opposed to this bill. The Montreal *Gazette* has called attention time and again to the impropriety of Parliament passing a measure of this kind.

Hon. Mr. FERGUSON—Not this measure.

Hon. Mr. SCOTT—The Montreal *Gazette* has never been in favour of this railway. I have read the bill to the House and it is per-

fectly plain that it is proposed to transfer the subsidy from the original line to a road to extend from Gladstone to a point north, that it is not the original road at all, and it is a mere subterfuge to say that it is renewing the original vote in 1891 offering to the Hudson Bay Railway Company that subsidy of $80,000 a mile. I am quite sure there is not a British statesman who would for one moment think of introducing at the last moment of the session a measure that had evoked such opposition from the press of the country. What would have been thought of Lord Rosebery if, before the dissolution of Parliament recently, on the very last day, he had introduced some measure imposing a liability on the tax-payers of England to the amount of £100,000, which would be about the relative proportion as compared with the burden imposed by this bill on the people of Canada? Public opinion would not have tolerated it; you could not find a British statesman who would do it. British statesmen take a higher view of subjects of that kind. They keep their skirts clean. They do not propose to pass measures for a scaly concern such as this is—a concern which, as I have shown, has endeavoured to cheat its creditors of a large amount by getting the government of the day to change the line to a new route. I am surprised that this House should for one moment think of passing a bill of this nature. It is perfectly manifest that the feeling of the House is against it and always has been against it. On the present occasion the bill will have to be opposed at every stage—there is no question about that. Besides, I think out of courtesy to the House the hon. Premier should see that a bill of this character was distributed among the members before we are asked to pass it.

Hon. Sir MACKENZIE BOWELL—I do not propose to follow the hon. member from Ottawa in the line of argument or rather statements that he has followed in opposing this bill. He has taken what I should term a most extraordinary course, considering the fact that the bill is not of the character that he has represented it to be. Before doing so, however, I have to repudiate, in about as explicit terms as I can, what I consider base and unwarranted insinuations upon the honour, character and reputation of the individual members of this government. I can tell the hon. gentleman that the members of the government are just as incapable of being party to the boodling to which he has reference and the division of the spoils which he very discourteously (I will not use a harsher term) insinuated was the rumour out of doors—just as incapable of becoming a party to a fraud of that kind as the hon. gentleman is of adhering strictly to the truth when he argues a question of this kind.

Hon. Mr. SCOTT—I did not make the accusation; I said the report was to that effect.

Hon. Sir MACKENZIE BOWELL—No, the hon. gentleman took a mean manner of insinuating against the reputation and character of gentlemen quite his equal, if not a good deal better. The hon. gentleman has argued that from the beginning we were about to impose upon this country an indebtedness of $1,000,000—or $80,000 a year. He knows as well as any man in the community, and as well as any member of this House, that that has been a liability of this country for years past, and that the only proposition that is now made to the bill is to divide the subsidy, conditional that half the road is built, and yet we have been told over and over again and with a coolness that is characteristic of the hon. gentleman, that we are about fastening on this country an indebtedness which the tax-payers hereafter will be compelled to pay. The very Acts that he has quoted show that we are bound to a certain course, whether rightly or wrongly I am not now arguing, under charters granted in former sessions for the construction of this railway, and when it is completed they will be entitled to the $80,000 whether the road is ever run a day or not. The hon. gentleman is arguing that we are proposing now to fasten that on the community. I say that has been on the statute-book for years, and the hon. gentleman knows it as well as I do, yet he is trying to persuade the community, and every member of this House who has not given the question the consideration and study that he has, that we are about to impose upon the tax-payers of this country a liability that never existed before. It is an insinuation that is not correct, and it is a principle that is not contained in the bill. What this bill proposes to do, is to enable this company to proceed with the construction of the road from their present terminus.

Hon. Mr. SCOTT—Or from Gladstone.

Hon. Sir MACKENZIE BOWELL—It does not say anything of the kind.

Hon. Mr. SCOTT—I beg your pardon, I will read it.

Hon. Sir MACKENZIE BOWELL—No, I will do the reading if you please. The hon. gentleman read the clause which is repealed by this Act.

Hon. Mr. SCOTT—No, I did not.

Hon. Sir MACKENZIE BOWELL—In the commencement of his remarks he read the clause which this Bill proposes to repeal, and which is found in the statutes before him, but he did not inform the Senate that in repealing that clause, the whole of it with a slight exception is re-enacted in this Bill. The only difference between the clause as it stands in the proposed Bill and the act from which he read is the following—the clause provides for the construction of the road and for the payment of $80,000 a year for twenty years. The amendment to that clause is this:

> One-half of the said sum of $80,000 to be paid annually, commencing from the date of the completion of the remaining one-half of their line to be constructed between Winnipeg and the Saskatchewan River, and the remaining half of the said sum of $80,000 to be paid annually, commencing from the date of the completion of the remaining half of their line to be constructed between Winnipeg and the Saskatchewan River.

Now, that is the amendment which is made to the clause which the hon. gentleman tried to impress on this House had been repealed and thereby that we were about re-enacting an act imposing upon the taxpayers of this country $80,000 a year for twenty years. I cannot for one moment fancy that the hon. gentleman did not know what he was talking about, and knowing what he was talking about, he should have had honesty enough to inform the Senate of the facts as they are. The other proposition to which the hon. gentleman took exception, was the government taking power that, in case the present company is not able to construct the road, this subsidy may be transferred to another company and that they may commence either from Portage la Prairie or Gladstone, but does it not say that:—

> So far as the same relates to the construction of the first half of the company's railway, the Governor General in Council may, subject to the terms of the said Aid Act and of this act, transfer the amount applicable to such first half of the company's railway, namely, $40,000 a year for twenty years, to a company authorized to construct a line of railway from Portage la Prairie or Gladstone, to Lake Dauphin or thereabouts.

How does that interfere, I should like to know, with the present bondholders? If the present bondholders have a security, such as it is, upon forty miles of road, and there is no probability of that being extended, and they should think proper to organize a company and assume the responsibility for the construction of that road and thereby receive $40,000, would not that be to their advantage rather than robbery and stealing as the hon. gentleman has defined it to be? Now, that is the simple proposition of this bill, nothing more, nothing less. We are not discussing the propriety or impropriety of the order in council which was passed a short time ago on which the hon. gentleman dwelt so largely. We frankly admit that we are not proceeding on the lines of that order in council, but we are desirous as the country has been in the past, of having this road constructed if possible, and if it can be constructed through the most fertile portion of the country, which we do now know the Dauphin country to be, so much the better in the interest of the North-west and of Canada generally. I repeat the only proposition in this bill is to extend the time for the completion of the road for two years, to divide the subsidy payable when half the road is built, and to enable the government to transfer the subsidy to another company for the construction of the road in case this company should fail in doing so. That is the proposition before the House, and not the old Hudson Bay Railway or the conduct of the old Hudson Bay Railway Company. Even reading it as the hon. gentleman does himself, it does not relieve the company of one single cent of their present liability, but if they fail to go on with the road, then the proposition is to allow another company to construct it. These are simply the propositions in the bill, without entering into a discussion of the merits or demerits of the old Hudson Bay scheme, or the failures or successes of those who have been interested in the raising of the money to construct the road. This proposition certainly is in the interest of the bondholders and not to their detriment; if the existing company do not construct the road, subject to all the provi-

sions of the act, of which this is an amend ment, and of this bill also, another company may be authorized to do the work. That is really the position of the government in this matter. This bill may be defeated by taking advantage of points of order, but there is such a thing possible as having to remain here three or four days. If the majority of the House is opposed to the bill, let us have a vote and throw it out; that would be the fairest and best way to dispose of the measure.

Hon. Mr. POWER—If hon. gentlemen of this House had been left to the exercise of their own individual opinions, and if there had been no effort made on the part of the government to induce hon. gentlemen, who habitually support them, to abandon their views to a certain extent and to come to the assistance of the government with respect to this bill, I think those who are opposed to the bill would be disposed to accept the proposition just made by the hon. gentleman, but as the hon. First Minister is probably aware, that is not the position of things. When there is a proposition to make practically an expenditure of about $1,000,000, and when no good cause has been shown why that expenditure should take place, it is the duty of every member of this House who wishes to act in the interests of the public, to use all legitimate means to defeat such a measure. What are the rules of Parliament for? They are intended ulti mately to protect the public interest, and I do not know how we could more meritoriously use the rules of Parliament than to defeat a measure of this kind. The hon. First Minister used some very vigorous language with respect to the hon. member from Ottawa.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think it was justified?

Hon. Mr. POWER—It is not my business to defend the hon. member from Ottawa; but the hon. First Minister attributed to that hon. gentleman interested motives.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. POWER—Perhaps I should not have said anything now——

Hon. Sir MACKENZIE BOWELL—I merely repeated what was said about him—what was rumoured.

Hon. Mr. POWER—The hon. First Minister was very emphatic in making the statement.

Hon. Sir MACKENZIE BOWELL—No question about that; I am always emphatic.

Hon. Mr. POWER—I am not in a position in which motives can be attributed to me; I have not the slightest interest in any corporation, or company, or body, who have anything at all to do with this railway, or with the country in that neighbourhood. I may say with respect to the Canadian Pacific Railway that I have consistently voted against all the measures which they have introduced into this Parliament in the days when they did introduce measures looking for assistance; but it is only reasonable, when a measure of this importance is introduced, no matter what time it comes down, that we should take time, at any rate, to examine it carefully, when it is a question of voting $40,000 a year, which is about the equivalent of $1,000,000. I think the government—particularly the government who have shown their great desire for economy during the session in certain small matters—should rather hail with pleasure any attempt on the part of members of this House to assist them in their desire to promote economy. If we can save $40,000 a year, even for a little while, that is a good thing. I presume the government will, if the measure does not pass now, introduce it at the next session, and probably pass it; but, meanwhile, it is our duty to see that it does not pass now if we can prevent it. The best way to find out what this bill proposes to do is to calmly and deliberately read it. The preamble reads:—

Whereas the Winnipeg and Great Northern Railway Company, formerly the Winnipeg and Hudson Bay Railway Company, hereinafter called the company, is empowered by chapter 81 of 50-51 Vic., hereinafter called the Special Act, to build a railway from Winnipeg to Hudson Bay, and whereas an act was passed in the 54th and 55th years of Her Majesty's reign, chapter 61, hereinafter called the Aid Act, granting certain aid to the company, and whereas in pursuance of the said Act a contract was entered into between the Governor General in Council and the company, which bears the date the 16th day of September, 1891, and whereas it is expedient to amend the Aid Act and to authorize and empower the Governor General in Council to alter and amend said contract as herein-

after provided; therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

There is just one little circumstance in connection with the history of this measure to which I think it well to call attention. Hon. gentlemen who were here in the session of 1890 will remember that a measure was introduced on behalf of this company, extending the time given them by law for the completion of their road. A majority of the Senate were opposed to the construction of this road, and I remember that the hon. gentleman from Quinté division—whom I do not see here just now—raised a question of order with respect to the bill, and the measure would have been defeated, and this company would have been dead (which would have been a great blessing to the country at large) if the hon. gentleman had not yielded, and allowed the bill to pass in modified form, giving the company power to build to the Saskatchewan River. I ask the deliberate attention of hon. gentlemen to the first clause of this bill: "Section 1 of the said Act is repealed," that is the Act of 1891. Perhaps I had better read the section of the Act of 1891 first to see what we are dealing with:

In order to enable the Winnipeg and Hudson Bay Railway Company to construct so much of their railway as reaches from the city of Winnipeg to a point on the Saskatchewan River, the Governor in Council my enter into a contract with such company for the transport of men, supplies, materials and mails for twenty years, and may pay for such services during the said term eighty thousand dollars per annum, in manner following, that is to say: the sum of eighty thousand dollars to be paid annually on the construction of the railway from the end of the 40 miles of the railway now built to a point on the Saskatchewan River—such payment to be computed from the date of the completion of the railway between the city of Winnipeg and a point on the Saskatchewan River; provided that the Governor General in Council may order such sums to be paid in semi-annual instalments, and may permit the company to assign the same by way of security for any bonds or securities issued by the company in respect of the company's undertaking.

There are two circumstances which are noteworthy in connection with this section of the Act of 1891. One is that that sum of $80,000, which was not supposed to be a present made to the company, but was supposed to be paid to the company for value received—that is, for the transport of men, supplies, materials and mails for twenty years—this payment of $80,000 is not, by the first section of chapter 81 of the Acts of 1891, made to depend upon the performance of work by the company. As soon as the company had finished the road to the Saskatchewan River, even though they did not run a train over the line, and although they did not carry a single mail bag, under that section they would be able to claim that subsidy of $80,000 a year, and one of the ideas which Parliament had in aiding the railway company in that manner—that is by giving them a yearly subsidy for work supposed to be done, rather than paying them so much a mile—was the guarantee that the road should be constructed before the company could get anything. It was generally understood, and correctly understood, that the company could not complete that road, and could not earn this subsidy. Further, this section contains this, as I think, unusual provision: it authorizes the company to go to the money market and to use this proposed subsidy to finance their undertaking. It is provided that the Governor General in Council may permit the company to assign the subsidy "by way of security for any bonds or other securities issued by the company in respect of the company's undertaking." That is, the company could get out of the undertaking at any time. If they finished the road they need not run a train over it. The company could meanwhile, before completing the road, have assigned this undertaking of the government to pay $80,000 a year to persons who bought their bonds.

Hon. Mr. FERGUSON—Exactly the same condition as in the Act of 1881 as regards assigning the bonds.

Hon. Mr. POWER—Perhaps the hon. gentleman is not aware that I am reading from the Act of 1891. He is not paying the strict attention to my remarks that he should.

Hon. Mr. FERGUSON—I was paying the closest attention, and the hon. gentleman gave as a reason why it should not be passed that it contained that provision.

Hon. Mr. POWER—No, I said the Act of 1891 contained that remarkable provision. The country has had some experience of this railway company. We know they built forty miles of their road on the line from Winnipeg to the mouth of the Saskatchewan.

I believe the whole distance is about 250 miles. The company succeeded in getting forty miles built—those forty miles running north from Winnipeg, and the people who put their money into that road were not the company; certain contractors graded the road and took bonds in payment. A firm in England who manufacture steel rails, took bonds in payment for the rails which were forwarded to Winnipeg. The road was graded for some sixty miles, I believe, and the rails were laid on forty miles of it. The contractors were not paid. The company in England who supplied the rails were not paid. The government of Manitoba advanced this company, in the way of subsidy, something like $240,000, and this company, who must have got a very considerable sum of money out of the bonds which they disposed of, got nearly a quarter of a million from the Manitoba government, for which they have given nothing in return. The disposition of this money is a most mysterious matter indeed. No one appears to be able to tell what has come of the immense sum which these people received. They did not use the money for the purpose of paying the men who did the work on the road, or the men who supplied the material. What did they do with it?

Hon. Sir MACKENZIE BOWELL—Allow me to make a statement. We have decided, on the part of the government, more particularly after insinuations of the character that were thrown out with reference to the members of the government being interested in this scheme, to advise His Excellency not to prorogue Parliament until this Bill is either defeated or carried, so the method of talking against time will not prevail.

Hon. Mr. POWER—I am not talking against time.

Hon. Sir MACKENZIE BOWELL—If the leader of the Opposition had discussed the matter in a fair and argumentative manner we should have taken no objection. The whole discussion in the other House, where it is supposed to deal with matters more passionately than they do here, was conducted in a manner that was creditable to both sides. The Opposition there proposed and the government accepted many amendments made to the bill. We did not suppose, in bringing the measure before the Senate, that we would be met in the factious spirit that has been exhibited here to-day. Under the circumstances, I must ask the Senators—and I do so with very great reluctance—to remain in the city until we can assert the dignity of this House. We want to know whether the majority approve of this Bill or are prepared to reject it. I have already made the suggestion to my hon. friends to allow a vote to be taken, and if the sense of the House is against the bill, well and good; we must submit and we shall do so gracefully, but we do not propose to have the grossest and basest insinuations thrown out against the members of this House and the government.

Hon. Mr. POWER—I had the floor and I object to this statement.

Hon. Sir MACKENZIE BOWELL—I give the reasons for the course that we propose to take. We shall come back at half-past seven, and if necessary adjourn at midnight till Monday and proceed on Tuesday or Wednesday if necessary. I make this statement so that those ladies and gentlemen who are here to attend the prorogation of Parliament may not be detained needlessly.

Hon. Mr. SCOTT—The hon. First Minister is wrong when he says that I insinuated that the government had any interest whatever in this bill. What I did say was that at the time the order in council was passed, there were rumours outside that this bill was being passed to enable friends of the government to make contributions to elections, but I said that I did not believe them. I acquitted the government of any such intention. I simply quoted a newspaper report, and I did not endorse it. If the hon. gentleman thinks that I intended to make the statement on my own responsibility, I withdraw the remark. The expression was made simply in connection with newspaper rumours published in the month of March. I never for one moment insinuated, in the slightest degree, that the government had any interest in the scheme, and if the hon. gentleman so understood me I am very sorry.

Hon. Sir FRANK SMITH—The leader of the opposition is well aware that if the government wish they can postpone prorogation

until this bill is either passed or rejected. If the hon. gentleman wishes to waive technical objections we will soon be enabled to decide the matter and go home peaceably. Let the voice of the Senate be taken and we are willing to abide by the decision. We all want to get away, but we must complete the business of the session, and we will stay here as long as it is necessary to do that, if it takes a week.

Hon. Mr. POWER—I think I had just been pointing out, when I was interrupted, that it was very remarkable that this bill contains no provision to oblige the company to run a train over the road or to operate the road in any way, and that the company were placed in the position of being able to assign this contract which the government made with them to persons from whom they got money; and I think I had gone on then to give a little of the history of this company, and to point out what we might expect from a company which had already received a very large sum of money—$400,000 at any rate—which has vanished as completely as if the earth had swallowed it up. No one can tell where that money has gone to. There was the $240,000 granted by the province of Manitoba; there was the money raised on bonds, representing a value of £140,000; and no one can say what has become of any of that money. Now, the government come here, and propose to deal, not with a new and respectable company, but with this company whose record has been so bad, and to put them in a position to handle about $1,000,000 more. I stated at an earlier stage, when the hon. First Minister made some explanations with respect to this bill, at the first sitting to-day, that if it is desirable to have a colonization road in this particular neighbourhood, and if the government think that it will be in the public interest that they should build the road as a government work, then I should be quite prepared to support the measure.

It being six o'clock, the Speaker left the Chair.

## After Recess.

Hon. Sir MACKENZIE BOWELL—I desire, after reflection, to apologize, and I do it most sincerely, to the members of the Senate as well as to His Honour the Speaker, for the little ebullition of temper exhibited by myself to-day. I have no objections whatever to any public man attacking my political career, whether it be right or wrong. I occupy a public position, and am subject to that, and have no right to find fault; but when anyone makes an assertion which I think is a reflection upon my personal character and my reputation for straightforward honesty, whether in my public or my private life, I must confess that I cannot refrain from resenting it in language which, perhaps, is heated and out of harmony with the dignity of this House. On reflection, I deem it my duty to yourself, Mr. Speaker, and to my fellow Senators to make this explanation and to apologize for having used language which, under other circumstances, would have been unjustifiable.

Hon. Mr. SCOTT—I am sorry if any language of mine led the Premier into the position for which he now expresses regret. I can bear testimony to his suavity of manner and courtesy, and I have known him a great many years. I did not think of reflecting on him or on the government. Perhaps I should not have mentioned the rumour. I am sorry if I offended anybody. I made no reflection upon the members of the government. I simply adverted to rumours outside, and took care to state that I did not believe them. Had I known that the statement would have created any ill-feeling I should not have referred to it. The Premier can feel assured that I had not the slightest intention of reflecting on him personally or on the members of the government.

Hon. Mr. POWER—As far as I can remember, at the time when the Speaker left the Chair, I had read the first section of the act of 1891, that is the Aid Act, and had read, I think, the first section of the bill before the House and called attention to the record of the Winnipeg and Hudson Bay Railway Company, as they were called up to 1891, and the Winnipeg Great Northern Railway Company, as they have been called during the past two or three years. I showed that their past record was not such as would inspire confidence, that that was not the sort of company in whose control Parliament should place the large sum which is involved in this measure. Practically the

sum of $40,000 a year amounts to about one million dollars, and I said I thought that the government and Parliament should be very careful into whose hands they put the disposition of so large a sum as that. The difference between the first section of the act of 1891 and the first clause of the bill before the House is indicated in the latter part of the bill before the House:

One-half of the aforesaid sum of $80,000 to be paid annually commencing from the date of the completion by the company of one-half of their line to be constructed between Winnipeg and the Saskatchewan River, the remaining one-half of the said sum of $80,000 to be paid annually, commencing from the date of the completion of the remaining one-half of their line to be constructed between Winnipeg and the Saskatchewan River, provided that such sums shall be paid in semi-annual instalments, and the company may sell the same or may assign the same by way of security for any bonds or other securities issued by the company in respect of the company's undertaking.

In the first place the country have no such security under this bill as they had under the act of 1891. It would require a much stronger company to build a railway of 250 miles from Winnipeg to the mouth of the Saskatchewan than it will to build a line of 125 miles from Winnipeg to a point midway between Winnipeg and the Saskatchewan. That must be clear to any business man. I desire to call the attention of the House to the fact that this company, under the terms of this Bill, would not have to build a very large piece of road for the purpose of enabling them to claim this $40,000 a year. If hon. gentlemen look they will see that they can claim the $40,000 a year when they have half the road from Winnipeg to the Saskatchewan River completed. Half of that road is 125 miles. The company have already built 40 miles; deducting 40 from 125 you get 85 miles of comparatively cheap road that the company would have to build and then they would be entitled to claim this $40,000 a year. Hon. gentlemen will see that the position would be this: if the company succeed in building this 85 miles of additional road, they will be entitled to claim this yearly grant of $40,000. The bill does not contain any provision that they shall operate the line, and the company after building this 85 miles of additional road, can drop out and treat it as they have treated the 40 miles already built. They need not operate it at all, and the government are bound to pay them $40,000 a year. I ask the House if that is not a most unwise course for the government and Parliament to take. If this first clause were amended in such a way as to provide that the company shall operate the road, or that at any time when the road was not operated the $40,000 a year should not be paid, a very large proportion of the objection to this measure would be removed. The second clause in the bill provides that the Governor in Council is empowered to alter the contract. The third is as follows:—

In the event of the contract not being entered into with the company in compliance with the terms of this Act,—

I do not see anything to prevent the government entering into a contract with the company unless the government insists upon such safeguards as will guarantee that the work will be done, and the bill does not contain any provision of that sort and the original Act cannot contain any provision, because we know the company did begin work and did not complete it.

In the event of the contract not being entered into with the company in compliance with the terms of this act, in so far as the same relates to the construction of the first half of the company's railway, the Governor General in Council may, subject to the terms of the said Aid Act and of this act, transfer the amount applicable to such first half of the company's railway, namely, $40,000 a year for twenty years, to a company authorized to construct a line of railway from Portage la Prairie to Gladstone, to Lake Dauphin or thereabouts.

I may say I think the sum of $40,000 a year, which, as I pointed out before, would amount to about $8,000 a mile, is a considerable subsidy to pay towards the construction of a colonization road, and if the government think it desirable to have this colonization road built I think it would be wiser, if they are going to pay for the road, that they should own it. I should sooner see them own it themselves under the circumstances. However, that is a matter of opinion. There is just this point: If the word "incorporated" were inserted before "company," this clause would be improved. It would prevent any possibility of the gentlemen who compose the Winnipeg and Great Northern Railway Company from agreeing to form themselves into a company under another name and applying to the government for power to build another road and take the subsidy. I do not mean to say that under this legislation they could do so, but still if you were to say "incorporate" a company, that should

make it perfectly clear that it would not be in the power of the government to throw the road so far constructed completely out of the question and start a new road upon which the bonds of the company would not operate. The fifth clause is one to which I desire to call the attention of His Honour the Speaker more particularly :—

> The section substituted by section 1 of chapter 94 of the statutes of 1894 for section 32 of chapter 81 of the statutes of 1887, is hereby repealed and the following substituted therefor : '92. The main line of the railway shall be completed to the Saskatchewan River by the 31st day of December, 1898, otherwise the powers granted with respect to said construction shall be null and void as respects so much of the railway as then remains uncompleted.'

I hold that that clause is completely out of order. It is an enactment which we have no right to pass. It is just in the same position as the 4th clause and a portion of the 3rd clause which were ruled by His Honour the Speaker of the House of Commons to be out of order. It is really a private bill. This is an exact transcript of a section of the Act of 1894 which was part of a private bill. The original provision with respect to time contained in the Act of 1887 was similar. Clearly there was no notice whatever given of this private measure, and this is open to exactly the same objection as the portions of the bill which were stricken out in deference to the opinion of His Honour the Speaker of the House of Commons. Further, there is the less objection to striking this out because the company's powers with respect to this line of railway do not, under the Act of last year, expire until the 31st day of December, 1896. They have a year and a half to come and go upon yet, so there is no necessity for this clause. I have no doubt His Honour the Speaker will see that that clause should be stricken out as well as the portions of the bill already stricken out in the House of Commons. I gather from a remark made by the First Minister that the contractors, who who are out of pocket by the construction of the 40 miles from Winnipeg northerly, might take up this project and build the road themselves. But the contractors are not the company. They are not, as I understand, members of the company. They are not in a position to do this work until they have an act of incorporation. If they are in a position to do it, then the members of the present company are in a position to call themselves by another name and do this work on the western road. I think, properly speaking, she contractors cannot undertake to build thit road, and the present company could not undertake to build the road to Lake Dauphin. The point has already been made that there is no notice whatever of the change in the portion of the bill which is, strictly speaking, part of a private bill—no notice whatever given to the bondholders and other parties interested, and Parliament would not be guilty of the injustice of passing private legislation for the benefit of this company without notice to the parties interested. The bill, now that one comes to read it, is not quite as objectionable as it was when first introduced in the other House, but it is open to the objections which I have indicated. I think that in the first clause there should be some provision for the working of the road by the company, and the 5th clause should be stricken out on the ground that it is out of order.

Hon. Mr. FERGUSON—The course which our friends of the Opposition have pursued with regard to this bill has been most extraordinary. When the bill came first before the Senate to-day, a very great deal of time was not open for its discussion before the hour at which it had been intimated that this House should be prorogued, and my hon. friend the leader of the Opposition took possession of the floor evidently determined to hold it until that time had expired. I do not think it was altogether fair to the members of this House or the government that my hon. friend should have taken that course; but if he had confined himself during his address to the provisions of the bill before us, had he dealt fairly with the conditions of the bill there would not have been so much to complain of. But we do complain that during that address the hon. gentleman wandered beyond the bounds of the bill, that he misrepresented its contents—not, perhaps, intentionally, he had not it very long in his hands—but certainly the effect was the same, and the statements which my hon. friend made with regard to the contents of the bill were very misleading and very inaccurate. Now it has been complained that the government have not dealt fairly with this Parliament in bringing down this bill at so late a stage, as an intimation had been given in an earlier part of the session that no important measure involv-

ing any new liability for railways or other public works would be introduced this session. Now, hon. gentlemen, it is quite evident from an examination of this bill that it does not provide for any new liability whatever. In fact when you come to examine the bill closely you will find that, comparing it with existing statutes, the differences which it contains are very slight indeed, and that not one dollar of new liability is incurred or involved in any way in this bill. Now, what are the changes from existing legislation that are proposed in this bill? There are only small particulars involved in this bill as compared with the laws already on the statute-book, and only two of them relate to the Winnipeg Great Northern Railway Company. Only two changes as far as that company could possibly be concerned are involved in the bill which is now before the House. One of these is that the payment of the subsidy of $80,000 a year is to be divided, $40,000 of it to become due and payable to the company when they have constructed one-half of the road and the balance to be due and payable to them when they have constructed the whole line to the Saskatchewan River. It is not to incur a liability, but it makes this $40,000, or one-half of the $80,000 already voted by Parliament to become due and payable when they have built half the road. That is one point in which the bill differs from the law already on the statute-book, and as far as the Winnipeg Great Northern Railway is concerned, there is only one other point in which any difference exists and that is that there is an extension of two years from the time given for the completion of the road from the 31st December, 1896, to the 31st December, 1898. As far, then, as this much abused Winnipeg Great Northern Railway Company is concerned, which has been so roundly denounced by my hon. friend the leader of the Opposition in this House, this legislation only involves these two points of difference which I have named—the one that the subsidy would be paid in two separate halves according to the construction of the road, instead of in a lump sum yearly when the whole road is finished, and that they shall have two years longer to finish it. The route of the railway is not changed as far as this company is concerned. Originally they had the power of building the railway to the Saskatchewan and they were not bound to take either the east or west side of Lake Manitoba. That is the law already existing. This bill does not change it. It is now intended that they shall go on the west side of Lake Manitoba, and it was open to them to take that route according to existing legislation. But there is a difference in this bill, which, as far as I am able to understand it, does not at all affect the Winnipeg Great Northern Railway Company, which my hon. friend the leader of the Opposition appeared to be particularly incensed against, and that is, that failing to make a contract with this company —the Winnipeg Great Northern Railway Company—on the terms contained in this bill and the Aid Act of 1891 and the special act of 1887—the government could then make a contract with any company authorized to build a railway from Gladstone or Portage la Prairie to the Saskatchewan. There is no authority in this bill or in any Act of this Parliament by which the Winnipeg Great Northern Railway Company could build a road from these points to the Saskatchewan, and therefore it cannot be in their interest, at all events, that this bill differs in this respect from acts already on the statute-book. Now my hon. friends on the other side of the House have laid a great deal of stress upon the alleged fact that there is no security for the running of this road, and I understood my hon. friend the senior member for Halifax to say before recess that there was, to some extent, security in the bills already passed by this Parliament inasmuch as provision was made for contracts for carrying the mails for 20 years. A contract for the mails could be entered into by the government with the Winnipeg Great Northern Railway Company, they paying them $80,000 a year for carrying the mails and other services, and the hon. gentleman contended that such a provision was not in this bill. My hon. friend must have again spoken without an accurate knowledge of the matter he was discussing, because the same provision is in this bill with regard to making contracts for the carrying of the mails, and that is all the security that the government and the country had for the running of the road under the laws which are now on the statute-book, and it might be implemented at any time and it is just the same security as is provided under this bill. Now, looking at all these facts, I think the House will wonder how it was that such a tempest should have been created here over this question and that my genial

friend the leader of the Opposition, who is generally so courteous and so mild, should have forgotten himself, as he appears to have done this afternoon, and indulged in language which, I think, very properly excited my hon. friend the First Minister to make some warm observation in reply. The hon. gentleman charged that this bill contained fraud and he made the strongest and the grossest charges not only against this bill, which of course, incidentally was made against the government, but also against the Winnipeg Great Northern Railway Company. My hon. friend started in his first speech as the champion of the bondholders of the Hudson Bay road. Now, hon. gentlemen, if you look into this bill and the previous legislation which still remains the law of the land, you will find that the bondholders are not imperilled or injured in the slightest degree by this bill; but that if any action is taken under it, the standing of the Winnipeg Great Northern Railway Company will be very much improved over what it was before, and the first mortgage bonds that had been issued and which are held by some of the creditors of the road so many years, so soon as ever this company builds railways under this bill, these railways and the lands will become subject to the bonds; the bonds will become a lien upon them, and the position of the bondholders will be greatly improved. Now there is only one contingency in which the bondholders should fail to improve their position. They have no position under present circumstances. Until this company builds railways and earns lands and cash subsidies their bonds are of no use as security; but as soon as ever this company builds railways and earn lands and subsidies, these bonds will obtain a position that otherwise they never could. There is only one contingency in which these bondholders should not gain; and in that case the Winnipeg Great Northern Railway Company should suffer as well as the bondholders. Should the company not be able to make a contract with the government for the construction of a railway from Winnipeg to the Saskatchewan under this bill, then there is a section in the bill which enables the government to make a contract with another company for the building of a road from Portage la Prairie or Gladstone to the Saskachewan River, and should such a contract be entered into, that is after the Winnipeg Great Northern Railway Company fail to make a contract under this bill, and the government were obliged then to make a contract with another company chartered the other day, and which has power which the Winnipeg Great Northern Railway Company has not—or will not have under this bill,—that is to build a railway from Portage la Prairie or Gladstone to the Saskatchewan—in that case the bondholders' security will not be improved. It will not be very much worse, or any worse than it is at the present day. While the Winnipeg Great Northern Company does not enter upon railway work and earn lands and subsidy it will not become any better off than it is; but it is more than likely that under the provisions of this bill the company will construct a railway that will, in a very short time, earn this $40,000 a year and will earn valuable lands and the bondholders' interests will become infinitely better protected than they have been before. Therefore I was astonished when I heard my hon. friend, the leader of the Opposition in this House, speak as he did, alleging that there was a fraud being practiced imperilling the interests of the bondholders in the Winnipeg and Hudson Bay Railway. My hon. friend the leader of the Opposition and another hon. gentleman also made very strong observations adverse to the character of the country through which the railway is proposed to pass. On that subject, although a native and resident of one of the eastern provinces I profess to have some knowledge; I travelled over a good deal of that country and I have examined the surveys very carefully of almost every section of it, and the conclusion I came to some years ago was that the Lake Dauphin country is one of the very best portions of the North-west. The question of altitude, the shelter of mountains, and the presence of the lakes have a good deal to do with keeping off the summer frosts in that country. The altitude, like that of Portage la Prairie, is very low. It is sheltered by the mountains, and all that combines to give it immunity from early frosts, perhaps better than any other part of the North-west. The soil is wonderfully fertile and settlers are within easy access of timber of all kinds, and this applies to the point of juncture with any country from the railway which has been constructed for a distance of 145 miles, which would be half the line.

The first half of the proposed line runs through good country. Under the bill the distance would amount, from the point of intersection or junction of the new line with the already constructed line, to 145 miles. That is 65 miles to Gladstone, which would leave 81 to be built northerly into the northern country. That would be altogether 146 miles, which would constitute about one-half of the line of road from Winnipeg to the Saskatchewan River, adopting the route west of Lake Manitoba. I know there is a shorter route on the east side of Lake Manitoba, but I am dealing with the route it is proposed the road should traverse; and I say again that that 146 miles is altogether a good country and that if the road should never go any further than half of the 293 miles of the distance, it is in the interests of the people of that country, in the interests of the people that will in the future go in and settle that excellent country, and in the interest of the people of Canada as a whole that that road should be built. Now I have gone over these points and my surprise is, when I examine this bill closely and compare it with the laws which have been already passed by this Parliament, and which might be implemented at any time, and when I reflect that the points of difference from existing legislation are so very small and so harmless, I wonder very much how it was that our friends did not look before they leapt—that they did not inquire into this legislation a little more carefully before they made such extravagant statements as they have made in opposition to it. I find my hon. friend, the senior member for Halifax, before resuming his seat tried to let himself down a little gently and he said he found now the bill was not quite as bad as when it was submitted to the House of Commons. I am not aware of the changes made in the House of Commons. I am aware that the Speaker ruled out some provisions which belonged to private legislation, and my hon. friend seems to think that the last section or clause of this bill should be ruled out in the same way, but, as he himself remarked, there is already on the statute-book an extension of time for nearly two years to build this road, and if the Speaker should find on inquiry that the point was the same as taken by the Speaker of the House of Commons and he agrees with that ruling, no inconvenience will occur from that, because there still remains nearly two years and the Parliament might, during that time, if good reason were given, extend the time. In that case the only point of difference, as far as the Winnipeg Great Northern Railway Company is concerned, between existing acts and the bill that we are now asked to pass is, that the subsidy of $80,000 a year is divided into two moieties to be paid in the one case when half of the railroad is built, and the other on the completion of the whole, whereas under existing legislation no part of the subsidy would be earned until the railroad was completed.

Hon. Mr. CLEMOW—A great deal of this difficulty and discussion would have been saved had the members of this House been in possession of the bill. Some misapprehension has been occasioned from want of information. In 1891, it is true, an act was passed whereby this company were given a subsidy of $80,000 a year, to aid them building their road to the Saskatchewan. It was a fair matter of discussion whether the consideration for building the road was equivalent in every respect and fully equal to the amount of $80,000 a year. It depends upon a variety of circumstances, and it was a matter that was fairly open to discussion. It was stated that the rights and privileges of the parties interested in this road were being interfered with by this legislation. It appears now that such is not the case. This 40 miles that was supposed to be shunted off as not part of the main line, according to the bill, is to be made available, and therefore no rights are to be interfered with in any respect. It is a great pity that this bill had not been understood; had it been understood this difficulty would not have occurred. But we must take things as they are and protect the public interest as well as we can. It is said there is no provision made that this road should be run after its construction. I do not think there is much difficulty on that point. The subsidy is not to be paid until the road is in active operation, and only when they earn money from postal and other services. The government will not be liable, as I understand, to pay one dollar of that $40,000 a year until the road is in working order and until the company earns the money.

Hon. Mr. SCOTT—Oh yes, they will.

Hon. Mr. POWER—The bill does not say that.

Hon. Mr. CLEMOW—Is not that the correct interpretation of the clause? If not, I do not know what it means. It says that this money must be earned by postal and other services. However, be that as it may, if the contractors of this road are now in a position to build half of the road, and it is determined that they shall receive one-half of the subsidy when it is built, I do not know that a very great deal of injury will occur, unless it is supposed that $40,000 is proportionately more for the half than $80,000 would be for the whole. That is a matter that is open for discussion, and very legitimately so. Some provision should be made to protect the general interests of the country, that when this road is in operation the parties will see that it is run, and if it is not run the whole distance, that a proportionate amount shall be deducted from time to time until it is operated the full mileage. That would be perfectly fair under all the circumstances, and I do not think the House will dissent from that. But if such is the case, I should propose an amendment at the proper time for the purpose of enabling the government to make such alteration in the subsidy as will meet the exigencies of the case in the way that I have mentioned.

Hon. Sir MACKENZIE BOWELL—You are quite right about the earning of the subsidy.

Hon. Mr. CLEMOW—Then that difficulty is overcome. The whole thing to be considered is whether the government has made a judicious arrangement, whether the interests of all parties have been protected as much as they can be, and whether any great injury will be done by this legislation to anyone. I was induced to second the resolution of the hon. member from Burlington with a view of eliciting all these facts and showing the government and the House of Commons that this Senate must be treated in a proper manner, that bills must be sent here in due form and in good time to give us an opportunity of considering them properly. If that had been done, a great deal of this difficulty would not have occurred. I protest against bills being placed in our hands at the last hour of the session, as this has been. We have a responsibility to the public, the same as the House of Commons has, and we should be treated in a fair manner. We cannot do our duty properly unless bills are placed before us in a way that we can understand their import in every particular. I have no doubt the government will take every precaution to prevent frauds, but we are bound to provide every safeguard, as far as possible, to protect the public interest. I do not think the government will dissent from that opinion unless it has the effect of sending the bill back to the House of Commons, but when I move the resolution which I intend to offer, it will be found so reasonable and place the power so completely in the hands of the government, that they will not object to it. This discussion has given us more information about the road than we possessed. We are told that the original contractors have done nothing. They have had the contract four or five years and yet they have done nothing up to the present time. It may be owing to circumstances beyond their control, but if they have not been able to do anything for so many years, are they likely to do anything now? They had the same subsidy and the same means at their disposal all these years. The government should take the precaution to provide that if this company cannot carry out the agreement, the contract shall be taken out of their hands and given to somebody else. That is a reasonable proposition, and I have no doubt the government will act upon it. Every opportunity should be given to the original men, but precaution should be taken to prevent further delays in the completion of the road. The railway is very much required by the people of that section of the country and the sooner it is built the better. A bill to incorporate the Winnipeg and Lake Manitoba Railway Company was passed here yesterday. Their road, when built, will supply the needs of a portion of that country. The contractors are now given an opportunity to do something, and I hope by this extension they will be able to construct the road. If they do not, I hope that the government will take it out of their hands and place it in the hands of responsible men who will carry out their engagements. If that is done, and reasonable precautions are taken, there will be no cause of complaint. This discussion will have one good effect. It will show, at any rate, that the Senate have done their very

best to protect the interests of all concerned, and we have the proud satisfaction of knowing that we have done our duty, though under some disadvantage for which the government are, to some extent, blameable. This legislation came here too late. That is the great difficulty. How can any one here be expected to know the amendments that have been made in the House of Commons fifteen or twenty minutes before the bill is brought to us? It is impossible. I hope that in future bills will be circulated in time, so that members can study them carefully and be prepared to deal with them on their merits.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman seems to have some misapprehension as to the payment of this subsidy. The contract into which the government has entered with the company is to pay them $80,000 per annum in consideration of carrying the mails, Indian supplies, police supplies, policemen, and performing any other services that the government may require, and in case they do not perform sufficient service during the year to cover the amount of $80,000, then one-third of the land grant is to be held in security for the balance. It is not in this bill, but it is in the original charter. This is simply an amendment which does not affect any of the liabilities or responsibilities attached to the company under the old charter.

Hon. Mr. CLEMOW—It still remains.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—The $80,000 is to be paid notwithstanding.

Hon. Sir MACKENZIE BOWELL—That is what I say—if in any year they do not earn the full amount, one-third of the land grant is to be held as security until it is earned.

Hon. Mr. ANGERS—The explanations that we have heard from the government and the light which has been thrown on this bill by the discussion, have removed from my mind two of the first objections that were made. One is a doubt whether this money would be available in the event of the road not being worked. I think the language of the bill is perfectly plain, that it is a contract for services, for the transport of men, supplies and mails, and consequently the service must be rendered to entitle the company to the $80,000 a year, or $40,000 a year, according to whether the whole or half the road is built. The main objection, however, made by the hon. member from Halifax, is the question of order—whether the last clause of this bill is not of a private nature, and whether it should not be struck out in the same way that the Speaker of the other House struck out one of the clauses. I cannot agree with the hon. gentleman in coming to the conclusion that this clause is of the nature of private legislation, and I shall state to the House briefly my reason for differing from him. It is provided in this bill that in case the old company do not take advantage of the bill, or enter into a contract sufficient to satisfy the government, that they shall perform the work and earn the $40,000 a year, or $80,000, as the case may be, that the government may contract with another company. Therefore, it becomes necessary that some limit should be put in this bill during which the $40,000 or the $80,000 should be available. The country is not going to remain forever under the obligation of paying $80,000 a year, or $40,000 a year, according to circumstances, to another company without some term being fixed during which this company shall be bound to fulfil their contract. Under these conditions, therefore, it has become absolutely necessary that some limit should be put in the bill, and for that object this clause has been introduced :

> The main line of the railway shall be completed to the Saskatchewan River by the 31st day of December, 1898 ; otherwise the powers granted with respect to said construction shall be null and void as respects so much of the railway as then remains uncompleted.

Hon. Mr. POWER—That applies only to the Winnipeg Great Northern.

Hon. Mr. ANGERS—That applies to the portion of the road to be built under this bill. The way I read it is, it was necessary to put some limit to the time during which this company would be entitled to the subsidy. Otherwise, they might take ten years to build their road and the country at the end of ten years would be called upon to pay them the $40,000, or the $80,000, according to the circumstances. If the contract be made with the old company, the law pro-

vides that they shall have until 1897, but this clause will cover the case of a contract being entered into with a new company. Therefore, I am of opinion that the point of order is not well taken.

Hon. Mr. MACINNES (Burlington)—As the mover of the three months' hoist, it has occurred to me that perhaps it would not be uninteresting to the House if I give an epitome of the history of the railway from the time it was commenced, about eight years ago, down to the present time. About eight years ago forty miles of it were built to a point called St. Lawrent, and there it has remained and never operated. In 1887 the company came to Parliament to ask for a further extension of time and for such assistance as might enable them to build their line. They applied for a subsidy of $80,000 a year for twenty years. It was discussed in this House, I took part in the discussion. It has been stated here that the Canadian Pacific Railway Company have always been opposed to this road. At the time I was a director of the road, and I advocated that the $80,000 a year should be given to the company and voted for it, and Parliament voted the $80,000 a year for twenty years. That was in 1887. There has not been a mile added to the first forty miles from that day to this. It has remained unused ever since, and I believe at the present time is overgrown with weeds. This act has been on the statute-books; they have had an opportunity of making their financial arrangements to continue the line in accordance with the contract, but not a mile has been built up to the present time. We must bear in mind that these opportunities having been given them, and they not having done anything, it certainly does not tend to promote confidence in the people at the head of the enterprise that they will construct it. In discussing this bill, a great deal of surprise has been expressed that there should have been any opposition to it. The first thing that came before the Senate was the resolution presented in the House of Commons. Under that resolution, as it was submitted to us, the company had a sort of roving commission to build their line wherever they pleased, either from the end of the first forty miles or anywhere else. That is the nature of the resolution which was placed before us. I thought that that was a most extraordinary thing to ask; that, along with the history of the company previously, induced me to move the three months' hoist. I thought the company not worthy of confidence. Subsequently we had this amended bill placed before us, which certainly makes the legislation much more acceptable, and if we had had this amended bill before us at first possibly the disagreeable discussion which took place here to-day would have been avoided.

Now, I have a map of the railway here before me. The original route to which this Parliament had voted the $80,000 a year passes from the end of the first 40 miles to the Saskatchewan to the west of Lake Winnipeg. Under this amendment the original route must be adhered to. One of my reasons for moving the three months' hoist was that the interest of the bondholders was not protected, in fact that the interest of the bondholders would be sacrificed, and that without due and proper notice. Hon. gentlemen will see my point if they consider that the line, instead of being continued from the end of the 40 miles on to the Saskatchewan River, as originally intended under the bill which we had first before us, the company had authority to jump from there to Gladstone, leaving the 40 miles entirely isolated, and hon. gentlemen can easily understand that the security of the bondholders and of the bonds for the first 40 miles would be made almost valueless. I think that the amendments which have been made to the bill in the House of Commons are a great improvement on the bill which we had before us in the morning, and therefore not subject to the same objections which then existed. I do not know whether the public interest will be protected under the amended act or not, but it appears to me there ought to be some clause under which the public interest would be protected by inserting a clause which would compel the railway company to continue to operate the line under any circumstances after it is constructed. There is another point: it has been stated here that the country is already under an obligation to the extent of the subsidy voted to the company. There is no obligation until the subsidy is earned. The company has not earned a dollar of it. It is true there is an Act of Parliament giving $80,000 a year to the company when the road is built, but nothing has been yet earned, and the point is to see that the road is com-

pleted, and when it is completed, that it is kept in operation. It is extremely objectionable that important legislation such as this should come down to the Senate just as the session is expiring and after a majority of the members of the House have left for their homes. It is one of the functions of the Senate to oppose any legislation which it may deem contrary to the public interests. This is an occasion when it ought to exercise its functions and justify its existence.

Hon. Mr. REESOR—Supposing that this bill were passed, and supposing that the company raised a large sum of money on the security of the prospects and the advantages conferred by this bill, what guarantee have we that that money would not slip away just as the money that has been spent already? They have had bonds for a large amount from Winnipeg, and other bonds which have been issued to the amount of $20,000 a mile, and where has the money gone to? They can only account for 40 miles being built, not worth $1,000 a mile, and even that not paid for. Why should we be induced deliberately to grant to the company these additional advantages after the experience we have had with them? It seems to me to be a preposterous thing, and then to do that without the members of this House having a copy of the bill before us, and but a limited time to study it. From what has been admitted, and what we have read in the bill, I think it would be one of the wildest things that the Senate could be guilty of, to pass the measure, and it would be an injury to the Government and to my hon. friend who leads the Government. If he wants his name to stand well with the country, as heretofore, he should by all means keep clear of this bill unless it is greatly improved, and unless proof should be furnished that there is some security that the road will be built and the money not squandered and that the bondholders do not lose their security, and in that way damage the credit of the country and injure us when we want to have legitimate contracts entered into for the building of railroads. In addition to all that, what prospect is there that the road will ever pay? It seems to me to be one of the wildest projects ever proposed to Parliament. The examinations made from year to year in Hudson Bay, authentic reports, show us that there is only about an average of two months in a year in which boats could navigate the straits with anything like safety. At any time the insurance would be much higher there than from Halifax or Montreal to Liverpool. Even the Hudson Bay Company bring out most of their goods and send home their furs as far as possible by the St. Lawrence route. Of course a boat may pass in and out of the bay once a year, if it does not carry a large amount of freight and is not obliged to make very rapid time, but a large portion of the freight that the Hudson Bay Company send to the North-west and bring to the North-west I understand goes by the Canadian Pacific Railway. I apprehend that it will be so always. Supposing the road were built within a year, if such a thing were possible, the people of Manitoba and the North-west would find a short time would elapse between the arrival of a vessel at Port Churchill and the return to Liverpool, and the trip could be made only once in the year. It would not be possible for the settlers to get their grain up to Port Churchill to be loaded and taken away the same year that it was harvested. If they have to store grain at Port Churchill for a whole year the interest on the money would be a great deal, and as has been stated before, all those things have to be charged back against the farmers. Between the time the grain was harvested and its shipment to Liverpool, so much time would elapse that they would lose any opportunity of taking advantage of fluctuations in prices of grain such as we have had this year. Those fluctuations would be worth far more than any saving that could possibly be effected by using the Hudson Bay route. It would be expensive at the beginning and a risky route to ship by, and the chances of getting valuable returns would be far less than by the route that we have already at a large expense provided. Canada has expended immense sums of money to construct the Canadian Pacific Railway. The company have shown great energy in carrying out their work. They are men of substance and they have made money since the construction of the road. Nearly every one of the men who entered into the contract with the government to build that road as a syndicate is a millionaire. Some of them are many times millionaires. Are we to go to work and subsidize largely a wild-cat scheme which, if it ever did amount to anything, would be in opposition to the road that we have provided already? It certainly could not accomplish anything in the public interest. Every effort

they might make to carry the goods cheaper by way of Hudson Bay would be superseded by what the Canadian Pacific Railway could do, and they would cut down rates to such an extent that they could not make enough to pay running expenses, not enough to get a line of ships to run into Hudson Bay. We are entitled to have plenty of time to consider this bill without the government feeling affronted at all, because it is a matter of large importance. If the opinion of the Senate is of no use on a matter of this kind, and if they dare not exercise their judgment and put some check upon the vast expenditure that is proposed, there is no use of a Senate at all. I am not in favour of doing away with the Senate, but I should like to be placed in such a position that we could discharge our duties, so that this House would be a benefit to the country and show some degree of independence of thought, and act as though we had learned something by past experience in granting charters. I understand that all the bonds that have been issued have been sold and there is nothing to show for the money that the company raised upon them. That is an extraordinary thing, yet we are asked to give them an opportunity to raise more money. They may dispose of that also and leave us without any security, and the effect of it will be to injure the credit of Canada in the money markets of the world.

Hon. Sir MACKENZIE BOWELL—Not a railway bill has passed the House that has not contained power to issue bonds. What security has been placed in any of those railway bills to ensure that the money raised on the bonds will be legitimately expended upon the road? None that I know of, any more than there is in this bill.

The Senate divided on the amendment, which was rejected by the following vote :

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De Blois,
Ferguson (P.E.I.),
Kaulbach,
Primrose,
Read (Quinté),
Ross (Speaker),
Smith (Sir Frank),
Snowball.—11.

The bill was then read the first time.

Hon. Sir MACKENZIE BOWELL—It is impossible to proceed further to-night with this bill, unless the House consents, after the vote that has been taken, to suspend the 41st rule. It is in the power of any member, I know, to object to the motion. However, I shall ask the Senate to consent to the suspension of the rule, and I therefore move that rule 41 be suspended so far as it relates to this bill.

Hon. Mr. POWER—I think it is my duty to object to that motion. I may be allowed to explain why I do so. There has been a good deal of obloquy cast upon the opposition for exercising their undoubted right. On a former occasion—I think it was the case of the Georgian Bay Railway bill—the Senate kept Parliament here for several days after the business of the House of Commons was finished, and no one questioned their right to do that. It was an important measure and they had a right to consider it, as we have a right to consider this measure. It is only now that the members of the Senate are beginning to understand the measure that is before us. Further, the hon. gentleman from Rideau division has suggested an amendment which seems to be a reasonable and proper one and which deserves the serious consideration of the government. In addition, the attention of the Speaker and members of the House has been called to the nature of the last clause of this bill, a clause which keeps alive this Winnipeg Great Northern Railway Company for two years additional. The influence of Sunday will be probably beneficial to the government and put them in a frame of mind to consider these amendments in a christian, and perhaps a conciliatory spirit, and between this and Monday the government and the Speaker will have time to consider the question and deal with the bill in a proper and christianlike spirit.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman scarcely treat the members on this side of the House fairly. There has been no obloquy cast on the members of the Opposition for opposing the Bill.

Hon. Mr. POWER—The hon. gentleman's colleague from Prince Edward Island did.

Hon. Mr. FERGUSON—Oh, no.

Hon. Sir MACKENZIE BOWELL—I recognized that right at the beginning of the discussion. What I said was—and I am sure that the hon. gentleman cannot forget it—that the sense of the House ought to be taken at as early a period as possible in the debate, and if the feeling of the House was against the bill it would be dropped at once and we could go on with the prorogation as intimated. The amendment which my hon. friend from Rideau suggested was one which was moved by Mr. Laurier in the other House, and there it was rejected without a division, because it was known that it would destroy the effect of the bill. However, if my hon. friend persists in his objection, there is an end to any progress being made to-night. I move that when the House adjourns to-night it stand adjourned until 10 o'clock on Monday morning.

The motion was agreed to.

The Senate then adjourned.

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## THE SENATE.

*Ottawa, Monday, 22nd July, 1895.*

THE SPEAKER took the Chair at Ten o'clock, a.m.

Prayers and routine proceedings.

## THE WINNIPEG GREAT NORTHERN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (150) "An Act respecting the Winnipeg Great Northern Railway."

Hon. Mr. POWER—I rise to bring a point of order to the notice of the House. I called attention to the fact, at an early stage of the bill, that I should, at the proper time, ask the decision of His Honour the Speaker on the 4th clause of the bill as to whether that clause was in order in a public bill of this kind, and I rise for the purpose of doing that now. I have not the official report of what took place in the House of Commons on Saturday with respect to this bill, but I may be allowed to read a newspaper report of it, which I presume is substantially correct:

> The third reading of the bill having been moved in the afternoon, Mr. Mills (Bothwell) raised the objection that it should have been introduced by petition as required in all cases of private bills.
>
> Sir Charles Hibbert Tupper pointed out that the bill merely provided for a re-arrangement of subsidies, and was thus a measure which a private member could not introduce.
>
> Mr. Laurier urged that the bill authorized the company to utilize another route than that provided in the original act. In this way the rights of the bondholders would be affected.
>
> Precedents were quoted in support of the proposal to pass the bill as it stood, but after a long debate the Speaker ruled that the objection to the change of location as constituting the bill a private measure, was well taken.
>
> As this was dealt with in the third clause, the offending section was dropped and the bill as amended passed through its final stage in the Commons.

This fourth clause is in just the same position as the third clause in the original bill. This fourth clause amends the Act to incorporate the Winnipeg Great Northern Railway Company. It extends the time given that company for completing their work by two years. It is unnecessary, because the company have now a year and a half to complete their work, and if they undertake to complete their work in a businesslike way, there is no doubt Parliament will extend the time next session. The measure is unnecessary now. There are two other companies interested in this matter, one of which had to abandon, during the present session, a provision in their proposed charter giving them a right to build a branch to Hudson Bay. It is not desirable that this company should be allowed to block the way for nearly four years without doing anything. Consequently, it is not merely a point of order but a matter of considerable importance. I do not think I am violating any confidence when I state that in conversation with the Speaker of the other House with respect to this point, when I called his attention to this 4th clause he said that his own attention had not been directed to it, but it was, in his judgment, open to the same objections as the portions

of the bill which had been stricken out, and a member of the House of Commons who had called attention to this matter told me that he had overlooked this clause and that it was open to just the same objection as those which were stricken out by the Speaker of the House of Commons. I therefore think that the bill should not proceed in its present shape, but that this, which is a clause that should not appear in a public bill, according to our rules and the rules of the House of Commons, should be first ruled out by the Speaker.

Hon. Sir MACKENZIE BOWELL—I did not understand the hon. gentleman to take objection to any portion of this bill except the fourth clause. That is on the point of order. Well, that being the case, is this the proper time to raise the point?

Hon. Mr. POWER—I think so.

Hon. Sir MACKENZIE BOWELL—If we take the second reading of the bill and go into committee of the whole until we get to that fourth clause, then I think it is quite proper and legitimate that the hon. gentleman should take his objection and if we cannot meet his objection by an amendment which we think would bring it within the purview of Parliament, then he can appeal to the Speaker for a ruling and the Speaker can take the Chair and rule upon the point raised. Supposing the Speaker should rule in accordance with the objection which he has taken, it would only apply to the fourth clause, and we can only deal with that when we reach it. I throw out that suggestion to the hon. member and I think that we may try and meet his views as far as practicable. If the Speaker should rule that as it stands it is out of order, then probably we might bring it within the rules.

Hon. Mr. SCOTT—It is quite manifest that the chairman of the committee would have no power to deal with the matter.

Hon. Sir MACKENZIE BOWELL—Could not the Speaker take the Chair and rule?

Hon. Mr. SCOTT—Why go into committee? The clause is open to objection at any stage, and the objection should be taken before the Speaker, when the matter could be discussed. If the hon. gentleman declines to discuss it now, he could do so at another stage, but I do not think the committee is the proper stage.

Hon. Sir MACKENZIE BOWELL—That is where it was discussed in the other House.

Hon. Mr. SCOTT—The Speaker was in the Chair at the time. Section 4 reads:—

> The section substituted by section 1 of chapter 94 of the statutes of 1894 for section 33 of chapter 81 of the statutes of 1887 is hereby repealed and the following substituted therefor.

Now that repealed a clause in a private act. There is no doubt about that fact. The company's private act of 1887, section 33, reads:—

> The said main line of railway shall be completed within four years from the 21st day of June, 1887.

Now in 1894, under a private bill introduced by the company and going through all its stages, and after notice had been given according to the rules of Parliament, this section appears:—

> The section substituted by section 1 of chapter 80 of the statutes of 1890 for section 33 of chapter 81 of the statutes of 1887 is hereby repealed and the following substituted.

This clause repeals a former clause in the company's charter:—

> The main line of the railway shall be completed to the Saskatchewan River by the thirty-first day of December, one thousand eight hundred and ninety-six, otherwise the powers granted with respect to such construction shall be null and void as respects so much of the railway as then remains uncompleted.

That is the law to-day in a private bill, the act respecting the Winnipeg and Hudson Bay Railway. If we want the time extended it is necessary to give notice in the *Canada Gazette* and the local papers, and that the bill be referred to the Standing Orders Committee and then go before the Railway Committee and be discussed there as to whether it was in the public interest the charter should be continued to this company, which had practically held it since 1880, if there were other companies—and I am advised that there are other companies—desirous of occupying that territory. Then it would be within the discretion of the government, subject, of course, to the approval of Parliament, to say whether the charter is to be renewed

year after year and term after term as the company asks. It is manifestly contrary to all parliamentary practice that the great power of the government should be used to override the private interests of the promoters of all other railways who desire to construct lines in that section of the country, and to declare that this particular company should have the favour and the power of the government to introduce a clause of that kind in a public bill. The authorities on the subject are very clear. It has been brought up frequently; not only in the Parliament of Canada but in the Parliament of Great Britain, and I shall just advert to one or two cases, as reported in Bourinot:

In the English House of Commons there is a class of *quasi* private bills, distinguished as "hybrid bills." They are brought in, by order, as public bills, but as they affect private rights "their future progress is subject to the proof of compliance with the standing orders before the examiner, and to the payment of fees."

Here is a clear attempt made to evade the rules of parliament. This bill pays no fees, because it is a government measure amending a public bill. Then I read further:—

They are generally "bills for carrying out national works, or relating to crown property, or other public works in which the government is concerned," or they sometimes deal with matters affecting the metropolis. They are committed to a select committee, when the committee on standing orders has reported favourably.

Now if we were in a position to do so, the proper course would be to commit this bill to the Standing Orders Committee to ascertain whether private interests were affected. Then I read further:—

"The Toronto Esplanade Bill, just mentioned, would probably belong to this class, since the House found it necessary to refer it to a select committee with a view to protect the private interests involved."

"In other cases, where bills have affected both public and private interests, a different course has been followed. In the session of 1875, the premier (Mr. Mackenzie) moved for leave to introduce a public bill to rearrange the 'capital of the Northern Railway Company, Canada, to enable the said company to change the gauge of its railway, and to provide for the release of the government lien on the road on certain conditions.' Objection having been taken that some of the provisions affected private interests and altered the powers of the company in very material points, the Speaker decided that the bill ought to be withdrawn. Separate bills were subsequently passed by the House—one, relating to the government lien, was treated as a public bill, and the other, relating to the gauge and capital, as a private bill."

That is exactly an analogous case where, in order to arrange the future policy of the Northern Railway, which I think was then ballasted, the government were desirous of releasing them from a portion of their liens upon the road. It was considered under difficult financial circumstances at the time. There was this mixed bill that came in, and it was found absolutely necessary to divide the bill and to allow the portions of it which affected the interests of the railway to go before the committee as a private bill. The bill had to be divided. There are a number of other authorities which I did not read because what I have read is perfectly clear. It is the case of a railway which the government were dealing with in the interests of the railway itself. The authorities will be found in Bourinot's work on Parliamentary Practice, between pages 690 and 693. It does not seem to me that there is any difference in the case given there and this bill. The better way would be simply to strike those two clauses out.

Hon. Mr. FERGUSON—I quite agree with the remarks of the First Minister that the proper place to deal with this is after we go into committee. It will then be found whether this clause which has been objected to can be brought within the rules. I now give notice that when we do go into committee I shall move an amendment which I think will effect that object. My hon. friend ought to be satisfied to allow the bill to go into committee and then we will find whether it cannot be amended to conform with the other clauses of the bill and with the rules of the House.

Hon. Mr. SCOTT—It is quite open to amend the bill when we go into committee. The simple way is to get the Speaker's ruling. If he rules against the proposal, that is the end of it. If he does not, it will be for the committee to make the changes in the bill.

The SPEAKER—Will the hon. member state the point of order?

Hon. Mr. POWER—My point of order is that the fourth clause of the bill is contrary to the rules of this House, on the ground that it deals with a matter which should be dealt with solely in a private bill, and should not appear in a public bill, no notice having been given of this proposed amendment.

The SPEAKER—If I understand the point of order it is this : that we should not in a public bill interfere with private legislation.

Hon. Mr. POWER—Yes, that is substantially the point of order.

The SPEAKER—I am of opinion that the point of order is well taken. I believe that we should not in a private measure interfere with private legislation, where private interests are at stake, and I believe that on this occasion the fourth clause interferes with another clause of private legislation which took place some time ago. Under the circumstances, I have no hesitation in saying that, although it might not affect very materially private interests in this instance, the principle ought to prevail, and this clause should be stricken out of the bill. I therefore hope that this principle will be maintained.

Hon. Sir MACKENZIE BOWELL—While accepting the ruling of the Chair, I do not understand it to mean that this clause cannot be amended in committee so as to bring it within the rules of Parliament.

Hon. Mr. POWER—Any clause can be proposed in committee.

Hon. Sir MACKENZIE BOWELL—There are other points that the hon. gentleman may take, from his knowledge of parliamentary procedure, which I wish to provide against before we reach the committee stage. It might be said that, no notice being given of an amendment, none can be made.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—While accepting the ruling of the Chair, that ought not to preclude us from so amending the clause as to bring it within the rules of Parliament.

Hon. Mr. KAULBACH—You can add a new clause.

Hon. Mr. ANGERS—You can add it without notice.

The SPEAKER—I can cite authorities, if necessary, for the ruling that I have given, but I do not wish to take the time of the House, as some have been cited already.

Hon. Mr. SCOTT—I do not propose to further discuss this bill, it having been pretty well ventilated and discussed on Saturday. I wish to propose an amendment, and I shall take the sense of the House on it at the third reading of the bill, to save time. I merely give notice of it now : it is in the direction of making the subsidy payable only on condition of keeping the road open.

The motion was agreed to and the bill was read the second time.

Hon. Sir MACKENZIE BOWELL moved that the 41st rule of the House be suspended so far as it relates to this bill.

The motion was agreed to.

The House resolved itself into a committee of the whole on the bill.

On the first clause,

Hon. Mr. POWER—If the government do not feel that they can make an amendment to this clause, they should make a statement with respect to it. Here is a provision for paying a very large sum of money, amounting to about $1,000,000, to a company as to whose record the less, perhaps, said the better. This company is allowed to go on and finance on this measure. It is quite true, as the First Minister has said, that the government might insist upon the company carrying the mail, but the government cannot compel that work to be done. They cannot compel the company to operate the road, and this money, which is intended to be paid for services rendered by the company, will, under the terms of this measure, be paid whether the company do the work or not. The company can issue bonds and assign the benefits of this act to the bondholders, as they are allowed to do by the closing words of this clause, and the government have to pay the $80,000 a year, or the $40,000 a year as the case may be, to the assignees of this company even though the road is not working at all. It is barely possible that we have not the right in this House to amend this clause. I think we have, but it may be that we have not, and there should be some declaration from the government to the effect that they will see that the public interests are protected. Under the next clause the Governor in Council have the right to alter the contract

with the company. In the interests of the public there should be a provision in the contract that unless this $40,000 or $80,000 is earned it shall not be paid when the road is not operated. That is common sense; it appeals to the plainest sense of justice of every one. We should have some declaration from the government with respect to that.

Hon. Mr. KAULBACH—An incorporated company, you mean.

Hon. Mr. POWER—I am speaking of this company.

Hon. Sir MACKENZIE BOWELL—The arguments of the hon. gentleman would be pertinent and much stronger if they had been urged when the bill of 1891 was passed. The only conclusion that we can arrive at from the arguments of the gentlemen opposed to this bill is that they are under the impression that we are granting an additional sum to this enterprise. That is not a fact. The liability of the country is not increased one single dollar. We are now under an obligation to grant certain lands towards the construction of this road, and a payment of $80,000 per annum for certain services to be rendered by the company when the road is completed. If the service is not rendered, then one-third of the land grant to the company is to be held in security for the full performance of that duty; and as the road has to be built and the land grant is to extend five miles on either side of the road, it is a self-evident fact that the moment the road is completed the land becomes enhanced in value, and just in proportion to the enhanced value of the land is the security to the government increased for the fulfilment of that contract. All the arguments advanced by the hon. gentleman might with force have been urged four years ago when the bill was before Parliament. At present we desire to facilitate the construction of a road running for nearly a hundred miles through a portion of the country that is tolerably well settled at present, and in order to do that we propose to divide the subsidy, both in land and money, and pay in proportion after the road is built for the length of the line constructed and operated. That is really the whole provision of the bill. The hon. gentleman says that there ought to be a provision that the payment should stop in case the line should cease to be operated. I confess there is much force in the argument, but that is a provision that does not exist, nor is it provided for in the law on the statute-book. It would be so hampering this company, or any other company with which the government might enter into a contract for the construction of the line for the first hundred miles at least, as to render their bonds useless in the market. In future legislation of this kind, I am not prepared to say that I would not be ready, unless I see it in another light, to accept the suggestion of the hon. gentleman; but we have no right to do so now, particularly as those opposed to the bill have taken such strong grounds against any interference directly or indirectly with the rights of private individuals. How ineffective is their argument when you apply it to this case. They tell us that the bondholders have a lien on the road as it exists for a very large sum of money, yet they propose to incorporate in this bill a provision which would render it impossible for them to raise money and go on and complete it, and thereby make their securities of some value. I question whether we have a right, as the hon. gentleman suggests, under the rules of the Senate, to make the alteration which he proposes, but whether we have or not, at this stage of the proceedings, and considering those private interests for which my hon. friend is so solicitous, I do not think the Senate should accept a proposition which would certainly render, under the present circumstances, their security not only unavailable, but useless.

Hon. Mr. SCOTT—In reference to the first part of the hon. gentleman's argument, that it would increase the value of the land, it is very well known that the forty miles already constructed have not enhanced the value of any property along the road, inasmuch as, from the best information that we have, no settlement has gone in there. In reference to our present course, if the Premier had enjoyed a seat in this Chamber, as many of us have, for the last fifteen or twenty years he would have learned the feeling of the Senate in regard to this bill. He must not suppose that this is sprung upon the government to-day or recently. When changes were made in this bill in 1891, it was introduced on the 15th July and was not permitted to be read at that time, be-

cause it was not printed. When it was brought up for a second reading, there was a strong feeling in this House against it, not only amongst the small opposition, but amongst the warmest supporters of the government. The bill was debated on a second reading nearly every day from the 16th July to the 10th August, and that feeling in reference to this has been manifest for years back. Every time the company came for a charter it met with great opposition, and the members of the Senate felt they were consistent with their former course when they were offering every objection to the bill. Every time it has come up they have endeavoured to clip it of its most objectionable features. They failed, however, to do so, and the fact that it took from the 16th July to the 10th August to get it through shows that the bill has excited in this Chamber a great deal of feeling and opposition, and therefore it naturally aroused suspicion, perhaps not properly well founded. In the absence of the bill itself, and in the absence of the file of papers that I thought would have been on the Table, and which I had made many ineffectual efforts to discover, an anxious doubt was created as to what was sought by this bill. It was only after the Premier sent me the copy of the bill which I read yesterday that I knew all about it. Some of the clauses are very much confused.

Hon. Sir MACKENZIE BOWELL—The statement which the hon. gentleman makes only intensifies the argument. The fact that it took from July to September to put it through shows the great care and thought given to its provisions, since it took all that time to discuss it. I know that a great many of my political friends are opposed to the whole principle of the bill. The fact that it took two months to consider it——

Hon. Mr. SCOTT—One month.

Hon. Sir MACKENZIE BOWELL—Well, one month, and the fact that the House adopted it with this provision in it, only adds force to the position which I have taken. I am quite aware of the opposition that he has offered, but I wish to take the opportunity to disabuse the hon. gentleman's mind of some misapprehensions in reference to this bill. It will be remembered that in his speech on Saturday the hon. gentleman stated that he had tried to obtain a copy of the bill, that he could not find it at the government printing office, that they knew nothing at all about it, and that it must have been smuggled through some private printing office.

Hon. Mr. SCOTT—I did not say "smuggled."

Hon. Sir MACKENZIE BOWELL—Yes, that is the word.

Hon. Mr. SCOTT—I did not mean any dishonesty.

Hon. Sir MACKENZIE BOWELL—The inference was that it was sent to a private printing office and printed so as to be kept from the view of the members of the House of Commons. Well, that is not correct. The bill was printed at the government printing office in the usual way. The best evidence of that is the paper on which it is printed and the printing. I admit it was introduced in the Commons at a very late period, and consequently the hon. gentleman may not have been able to obtain a copy from the printing office as soon as he should have had it. It was printed in the usual way, and there was no smuggling, directly or indirectly, in connection with it.

Hon. Mr. SCOTT—I quite accept the hon. gentleman's explanation. But I may say I went to Mr. Botterell's office repeatedly and had him telephone down to the printing office. I said I knew there was a printed copy in the Speaker's hands, and the authorities to whom he was telephoning stated it was not printed at the Bureau. I went back and said, "I am told by other gentlemen there are printed copies of it; they did not print one copy merely." And he said, "The printing office disown any knowledge of the bill."

Hon. Sir MACKENZIE BOWELL—I never saw a copy of it before.

Hon. Mr. POWER—I wish to make three or four observations with reference to the business aspect of my suggestion. The hon. First Minister said it would be an improper interference with private rights if any such amendment were made to the bill, or if the government were to express any such intention. I think I can relieve his

mind of the dread of interfering with their proper rights. If this bill does not pass at present the company is practically dead. They cannot build the whole road. Everybody knows that; and they come here and ask for power under this bill to build half of the road, and then to get half of the subsidy. The government passed this measure with the effect, perhaps, of enabling this company to go on with their work, which they cannot do now, and then, in order further to show that the hon. First Minister's qualms of conscience are not called for, I find under the second clause that there is a provision made, which reads:

> The Governor in Council is hereby authorized and empowered to alter and to modify the said contract in accordance with the terms of the Aid Act and of this act.

And I think, considering we are going to let them have the money for building 85 miles in addition to the 40 miles which they have already built——

Hon. Mr. MACINNES (Burlington)—No, not 85 miles, but half the road.

Hon. Mr. POWER—There are 40 miles built, and 85 more would make half the road. The line which is provided for under this clause is the route to the Saskatchewan, which is 250 miles. Half of 250 is 125, and they have to build 85 miles more, and then they are entitled to get this $40,000 a year to finance on. I think, in consideration of the fact that the government is doing that, it is the duty of the government to the people who are paying the money to see that some protection is offered to the people of the country. Just consider the First Minister coming here and telling us, "Here it is true we are asking for this large amount of money, but we do not propose to put any safeguard in the contract. We will let them do as they did in the past; we will let them build this line as they did the 40 miles, and let them issue their bonds, and get their money on it, and we shall not compel them to operate the road at all, and we will have this road just the same as the 40 miles, two parallel streaks of rust on the prairie north of Winnipeg." I am surprised at the attitude of the government in this matter; and I am sure, whatever the House thinks, the people of the country will condemn such an attitude.

Hon. Mr. FERGUSON—Only twenty miles of the forty already constructed will form a part of the intended route, and from that point of junction to the Saskatchewan is 293 miles. Under the bill they have to build half of that 293 miles before they have earned the subsidy.

Hon. Mr. POWER—It is 250 miles, and not 293,

Hon. Mr. FERGUSON—The hon. gentleman is misinformed.

Hon. Mr. POWER—That is the statement you made on Saturday.

Hon. Mr. FERGUSON—No, it is not the statement that I made. You were not paying attention or you would not have said it. The old route east of Lake Manitoba is 250 miles, and the route on the west is 293 miles.

Hon. Mr. POWER—This clause does not refer to that route at all.

Hon. Mr. FERGUSON—I say that under this bill and under the previous act it was open to them to have either the eastern or western route. There is no change whatever in the bill, as far as that is concerned, and, therefore, my hon. friend is entirely wrong with regard to what the company will have to do before they earn the $40,000. My hon. friend made a very important statement a few moments ago; I do not think he felt the importance of it at the moment. A very great deal of time was spent on Saturday talking of the interests of bondholders, and showing it was the duty of Parliament to protect the bondholders above every other consideration, and my hon. friend from Ottawa took the same ground to-day; yet the gentlemen are doing all they can to defeat this bill and to prevent it being passed. At the same time my hon. friend, the senior member for Halifax, says if this bill is not passed by this House, that this Winnipeg Great Northern Railway Company will cease to exist. Now, what will happen the bondholders in that case? Is it in the interests of the bondholders that our friends opposite are working? The interests of the bondholders must go with the company. I have the figures before me. The distance from Winnipeg to Saskatchewan *via* Gladstone is 293 miles. That was the statement I made on Saturday. The dis-

tance from Winnipeg to the Saskatchewan, taking the old proposed route of the Hudson Bay Company, is 250 miles; and I now repeat what I said a few moments ago, that after using twenty miles of the old line already built, the company will have to build 137 miles more before they earn the $40,000 as half of the $80,000.

Hon. Mr. POWER—That is if they take the western route.

Hon. Mr. FERGUSON—And my hon. friend is wrong as to the statement he makes as to the number of miles of railway they will have to construct when they will be in a position to claim the $40,000. There is another statement to which I wish to direct the attention of the House: when this matter came up on Saturday my hon. friends on the other side seemed to contend that it contained every principle of evil that their minds could possibly imagine. They talked about things which were not in it, more particularly the provisions of the old statute, which are not in this at all. We had to explain that there was very little departure from the old statute in the bill. In fact, as far as the Winnipeg Great Northern Railway was concerned, it only differed in one particular, and that was the division of the subsidy, and now our friends want to introduce some other changes in the bill, which Parliament in its wisdom did not think it necessary to have incorporated in the bill when they legislated upon the subject in previous years. The bill is but a small departure from the existing statutes. The only important point in which it differs from those is simply the division of the subsidy. It does not change the route of the road. It is quite competent for them to go east or west under the existing statutes. It does not oblige them to take a new route. It simply decides this point, that on the completion of half of the road they will be in a position to claim and be paid one-half of the subsidy.

Hon. Mr. POWER—I think the hon. gentleman from Marshfield is in error. We are dealing now with the first clause of the bill, and what does that say? It says that the government may pay one-half of the said sum of $80,000, to be paid annually, commencing from the date of the completion by the company of one-half of their line to be constructed between Winnipeg and Saskatchewan River. As I understand it, that is not the line *via* Gladstone. Further, the hon. gentleman has admitted that it is only 250 miles from Winnipeg to the Saskatchewan River.

Hon. Mr. FERGUSON—On the west side?

Hon. Mr. POWER—On the east side. The hon. gentleman may shake his head. My statement is perfectly true. It is only 250 miles from Winnipeg to the Saskatchewan River, and this company, by building 85 miles in addition to the 40 already constructed, will have built half the road from Winnipeg to the Saskatchewan River and can draw the subsidy of $40,000 a year. The hon. gentleman undertook to contradict me when I stated that, but it is perfectly true. The hon. gentleman assumed that the company were going to build west of the lake. I did not assume that; if they wanted to get the money for the least possible work they would build east of the lake. I was under the impression that the wording of this was a little different from what it is. Take the 3rd clause:—

> 3. In the event of a contract not being entered into with the company in compliance with the terms of this Act in so far as it relates to the construction of the first half of the company's railway, the Governor in Council may, subject to the terms of the said Aid Act and of this Act, transfer the amount applicable to such first half of the company's railway, namely, forty thousand dollars per annum for twenty years, to a company authorized to construct a line of railway from Portage la Prairie or Gladstone, to Lake Dauphin or thereabouts.

That clause provides for the construction of the road west of the lake, but I do not think it probable that the company would build 293 miles when they might get off with 250 miles, particularly if they are building the road simply in order to get money. With respect to the bondholders, the hon. gentleman apparently took the ground that the hon. gentleman from Ottawa and myself had opposed this legislation in the interest of the bondholders. Speaking for myself, I opposed it in the public interest. If you are going to act in behalf of any private interest, then the interest of the bondholders should be consulted. I cannot understand the line taken by the government here. It indicates that they do not expect that this company

are going to operate the road, or that the road will be operated. Do they propose to give $1,000,000 away as a present to this company? That is just what it looks like, because otherwise should they not be most anxious in the contract they make with the company to see that some value is given to the country for the money that is to be granted?

Hon. Mr. FERGUSON—The hon. gentleman is talking ancient history. I think every hon. member of this House is aware—it has been announced publicly again and again, in fact it has been published for months past—that the company have abandoned their intention of building east of Lake Manitoba and that their proposition is entirely now confined to the line west of Lake Manitoba to run through the Dauphin country. Therefore, all the figures that I have been discussing in this House have been in reference to the route that it is now proposed the company shall take. I repeat what I said a few minutes ago, that from the plans in our possession and from information that I have on the subject, 20 miles of the line already located and constructed is common to either route, the one west or the one east of Lake Manitoba, that from that point a new line, altogether different from that proposed to be taken from Lake Manitoba, will be followed. All that line is through an excellent country, and my hon. friend must be oblivious of the fact that this was the company's proposition and is what we have been discussing a few days back, a line running west of Lake Manitoba. The objection that is offered as to paralleling other lines could only come in with respect to that line. The objection to that route is that it will parallel the Canadian Pacific Railway, and to some extent the Manitoba and North-western Railway. The figures that I gave yesterday are correct—that the company, in addition to the 20 miles of line already constructed, will have to build about 140 miles of railway before they will earn this $40,000 a year as a subsidy. I have to say in connection with that—and the statement is fully corroborated by every one who has studied the country—that the first half of the road to the Saskatchewan by the west side of Lake Manitoba runs through a good fertile country, and there need not be the slightest apprehension in the minds of hon. members about the line running through that country being operated after it is constructed. There are about 10,000 inhabitants in that country already. All the homestead lands are taken up, and as soon as this railway goes through, the remaining part of these lands, which are among the best in the North-west, will be settled, and there is no doubt that the road will be operated.

Hon. Mr. POWER—Do I understand the hon. gentleman to say that this road has to be built west of the lake?

Hon. Mr. KAULBACH—No.

Hon. Mr. POWER—Let the hon. gentleman speak for himself. He stated that it would.

Hon. Mr. FERGUSON—I say that that is the proposition of the company. That is very plain, but neither this bill nor the existing act renders it necessary to build on one side or the other.

Hon. Mr. POWER—It was stated in another place by the Minister of Railways that the company could build east of the lake as well.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. POWER—That is what I said. What is the hon. gentleman making the row about? I say if they can build east of the lake they can earn the money by building eighty-five miles.

Hon. Mr. FERGUSON—They are not such fools as to do that.

The CHAIRMAN—Do I understand that the aid now proposed to be given to the line is to apply on the forty miles already built?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. POWER—We cannot take verbal statements. What does the bill say?

One-half of the said sum of eighty thousand dollars to be paid annually, commencing from the date of the completion by the company of one-half of their line to be constructed between Winnipeg and the Saskatchewan River; and the remaining one-half of the said sum of eighty thousand dollars to be paid annually, commencing from the date of the completion of the remaining half of their line to be constructed between Winnipeg and the Saskatchewan River.

The clause was agreed to on a division

On the 3rd clause,

Hon. Mr. POWER—In order to make the meaning of that clause perfectly clear, we should say: "To an incorporated company."

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. POWER—If the government proposed to get up, by order in council, some sort of a company to do this work, I could understand the hon. gentleman's "Oh, no," but if the intention is to deal fairly, and, in case the company are not in a position to do the work, to let some other incorporated company do it, then I think it should be, "Oh, yes." I move that the words "an incorporated" be inserted in line 7, before the word "company."

Hon. Sir MACKENZIE BOWELL—It says now: "To a company authorized to construct a line." It must be an incorporated company if it has any authority to build a line. There is no necessity for the word "incorporated," because it is fully covered by the words "to a company authorized to construct a line of railway from Portage la Prairie or Gladstone to Lake Dauphin." It is fully provided for.

Hon. Mr. POWER—It seems to me that it is just as easy for the government to pass an order in council constituting a company for the purpose of doing this work as it was for them to pass an order in council handing $2,500,000 to the company. Both things seem to require the authority of Parliament, but an order in council has great virtue under the present administration.

Hon. Sir MACKENZIE BOWELL—It has, but no government has power to pass an order in council to incorporate a company or grant them money. The hon. gentleman knows that as well as I do.

The amendment was declared lost, and the clause was agreed to.

Hon. Mr. FERGUSON—I propose to add a clause to the bill. The objection to the clause which has been struck out and which the hon. Speaker has ruled out, is that it amends a private bill. The provision itself is a general one. There ought to be a general provision in this bill, because hon. gentlemen are well aware that this bill deals with more than the Winnipeg Great Northern Company. The clause which we have been discussing proposed that the government, in the event of the company not making a contract for the construction of this road, can make a contract with another company authorized for the purpose of constructing the railway. The provision that I want to have inserted in the bill will be a general one, which is not submitted as an amendment to any private bill, but as a general provision that will affect the contract that the government may make with any other company for the construction of the road:—

The main line of the railway shall be completed to the Saskatchewan River, by thirty-first day of December, one thousand eight hundred and ninety-eight, otherwise the powers granted with respect to such construction shall be null and void as respects so much of the railway as then remains uncompleted."

Hon. Mr. POWER—That is the same clause.

Hon. Mr. FERGUSON—It is, but it does not apply to any company.

Hon. Mr. POWER—This is simply stating the provision which has been ruled out. The hon. gentleman's pretext for this change is still more remarkable, because he says that another company may be authorized to build the road. Well, the other company are only authorized to build a road from Portage la Prairie to Lake Dauphin, and the hon. gentleman's amendment to limit the time in which the work shall be completed to the mouth of the Saskatchewan is made to apply to a line only to Lake Dauphin. This is the same enactment in other words. It cannot apply to the Lake Dauphin road, because they have nothing to do with it to the Saskatchewan. It is clearly open to the same objection as the original clause.

Hon. Mr. SCOTT—I hope the hon. gentleman is not serious in proposing this amendment. If you cut off the repealing paragraph this is the clause that the Speaker has ruled out—the same clause. Surely the hon. gentleman is not serious. I think the committee are entitled to a little serious action on the part of the government in this matter.

Hon. Mr. FERGUSON—I am quite serious in the matter.

Hon. Mr. POWER—I did not know that the hon. gentleman appeared as a humourist

Hon. Sir MACKENZIE BOWELL—In order to prevent any difficulty in this matter, and in order to get this through without sending it to the House of Commons, I ask my hon. friend to withdraw the amendment and let the fourth clause drop.

The amendment was withdrawn.

Hon. Mr. POWER—Of course, the proposed 4th clause would have been ruled out by the Speaker of the House of Commons.

Hon. Mr. MACINNES, from the committee, reported the bill with an amendment, which was concurred in.

Hon. Sir MACKENZIE BOWELL moved the suspension of the 41st rule.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL moved the third reading of the bill.

Hon. Mr. SCOTT—I will not make any observation in proposing the amendment of which I gave notice. It is as follows:—

That the bill be not now read the third time, but that it be referred back to a committee of the whole House with instruction to insert the following clause as subsection *a* to section one of the said bill: "Provided further that the annual subsidy of $80,000 for the transport of men, supplies and mails up to the Saskatchewan River, or the payment of the annual subsidy of $40,000 for the construction of one-half of the company's line shall not be paid if the company at any time cease or fail to operate the entire line or one-half of the said line if only one-half the line be built, and the subsidy for the entire line, or for one-half the line, as the case may be, shall only be payable during such years as the railway is maintained and operated to the satisfaction of the Governor in Council."

I have left it to the government to say whether the line is to be operated to earn the subsidy.

The Senate divided on the amendment, which was rejected by the following vote:—

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Hon. Messrs.

Dever, Power,
McInnes (Victoria), Reesor,
MacInnes (Burlington), Scott.—6.

NON-CONTENTS:

Hon. Messrs.

Angers, Primrose,
Bernier, Read (Quinté),
Bowell (Sir Mackenzie), Ross (Speaker),
Clemow, Smith (Sir Frank),
Ferguson (P.E.I.), Sullivan.—11.
Murphy,

51½

The bill was then read the third time and passed on a division.

## THE MANITOBA SCHOOL QUESTION.

Hon. Sir MACKENZIE BOWELL moved the adjournment of the House.

Hon. Mr. POWER—I wish to say a few words on a subject which has not been discussed for some little time, although it has been before the House on various occasions—the Manitoba School question. I made a few observations with respect to that subject when the address in reply to His Excellency's speech was under consideration, and since that time the question has not been discussed at large in this House. Observations were made by several hon. gentlemen then. I should not make any observations on the subject now, were it not that a number of articles have appeared in a leading Liberal newspaper published in Toronto which lay down views and propound a policy with respect to this Manitoba School question of which I altogether disapprove. Those views and the policy which is propounded in the articles in that paper, are not the views of the Liberal party at large and they do not indicate the policy of the liberal party. It might be said that it would be quite unnecessary that this statement should be made, because the newspaper, the sheet I refer to, the Toronto *Globe*, itself states that it is not the organ of any party, that it is an independent newspaper; but notwithstanding that, I have found that in the province from which I come the party with which I am associated is very often held responsible for those things which appear in the Toronto *Globe*. In the same way, even in this Chamber I have heard the Liberal party held responsible by gentlemen speaking on behalf of the Government, for the views of the Toronto *Globe*. The *Globe* is a very able newspaper. As a general thing, its views are those of a large proportion of the Liberal party; but on this particular question, as on a great many other questions, its views are simply those of an independent newspaper, and they do not represent the views of the Liberal party as a whole. In

fact, I know that on this particular question, the views expressed by the *Globe* are not the views entertained by a majority of the parliamentary members of the Liberal party, nor, I presume, of the majority of the party outside of Parliament. The doctrine laid down in the newspaper is, that this matter of the Manitoba schools is purely and exclusively a matter of provincial jurisdiction. Although the Liberal party have, as compared with the Conservative party, advocated provincial rights, they have advocated those rights as set forth in the constitution; and it is perfectly clear, and is laid down as distinctly as possible in the constitution, that under certain circumstances, with respect to matters of education, the Federal Parliament have a right to interfere. There is no question whatever about that, and consequently the theory of the *Globe* newspaper that this is purely a matter of provincial rights is not tenable at all. These views, which I have expressed, are the views entertained by a majority of the Liberal party. With respect to my individual views, which perhaps do not concern hon. gentlemen much, I may say they are these: I do not say they are the views that I have entertained all along; but after due consideration and reflection, the opinion I have formed is this: that when the government received the decision of the Judicial Committee of the Privy Council—mind, I do not wish to be understood as blaming the government seriously for what they have done—I think now, looking at the thing in the light of our experience, the wisest course would have been for the government not to have immediately met and formulated a formidable remedial order, but to have communicated the decision of the Judicial Committee of the Privy Council to the Manitoba government in a friendly way, accompanied with some friendly communication to the effect that they had better try and settle this matter in a satisfactory way. The fact that the remedial order was issued after the hearing of the case here put the Manitoba government and legislature, to a certain extent, on their dignity, and it is much more difficult to settle the matter now than it might have been before. At the same time the government and Parliament have given —they have done late what I think they should have done early—they have given to the Manitoba government and legislature time for consideration and time to remove the reasonable grievances of the minority of Manitoba, and I feel that what the hon. First Minister says with respect to the practical difficulties in the way of the interference of Parliament is perfectly true. And I hope that in order to avoid these difficulties the Manitoba government and legislature will settle the matter as has been suggested by the government here. I trust that when we meet again we shall hear that Manitoba has settled her own difficulties, and I may venture to go this much further—and I think that I express the sentiments, I do not say of the majority, but certainly of a very large proportion of the denomination to which I belong—and say that any arrangement which satisfies the reasonable requirements of the minority ought to be accepted, even though that settlement is not in the exact line of the remedial order.

Hon. Mr. KAULBACH—I am glad to hear my hon. friend's remarks upon this matter, but it is all very well for a man to be wise after events happen.

Hon. Mr. POWER—You should not say that.

Hon. Mr. KAULBACH—My hon. friend admits that he was in harmony with the order on the Manitoba government, but after the events which have occurred, he thinks it would have been better if we had been more conciliatory. I think the feeling of the country is that the government merely did its duty in forwarding to the Manitoba government what the Privy Council had ordered. Now, with regard to the *Globe*, my hon. friend may say it does not express the opinion of the Reform party, and he may be right; but in their pronouncements upon this very question they voice the strong sentiments of the majority of the party.

Hon. Mr. POWER—That is not correct. I made a statement which was made authoritively.

Hon. Mr. KAULBACH—I think my hon. friend should not interrupt me. He has said quite enough this session. I have just as much right to my opinion as my hon. friend. The reason why it has said so is that the leader of the Opposition never took a stand upon this question. We do not

know what stand he will adopt. We do not know whether he is in favour of provincial rights or not. He is waiting to be governed by the circumstances that may occur.

The Senate then adjourned.

## THE PROROGATION.

This day, at four o'clock, p.m., His Excellency the Governor General proceeded in state to the Senate Chamber in the parliament buildings, and took his seat upon the Throne. The senators being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following bills were assented to, in Her Majesty's name, by His Excellency the Governor General, viz.:—

An Act respecting the St. Catharines and Niagara Central Railway Company, and to change the name of the Company to the Niagara, Hamilton and Pacific Railway Company.

An Act to incorporate Gilmour and Hughson (Limited).

An Act to incorporate the Grand Falls Water Power and Boom Company.

An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers.

An Act further to amend the General Inspection Act.

An Act further to amend the Insurance Act.

An Act further to amend the Act to encourage the development of the Sea Fisheries and the building of Fishing Vessels.

An Act to amend the Act respecting certain Female Offenders in the Province of Nova Scotia.

An Act to incorporate the Ontario Accident Insurance Company.

An Act respecting the Oshawa Railway Company.

An Act further to amend the Fisheries Act.

An Act further to amend the Public Works Act.

An Act further to amend the Act respecting the incorporation of Boards of Trade.

An Act respecting the Clifton Suspension Bridge Company.

An Act further to amend the Act to readjust the Representation in the House of Commons.

An Act further to amend "The Indian Act."

An Act further to amend the Dominion Lands Act.

An Act to incorporate the Hamilton and Lake Erie Power Company.

An Act further to amend the Civil Service Act.

An Act to incorporate the Merchants' Life Association of Canada.

An Act to revive and amend the Acts to enable the City of Winnipeg to utilize the Assiniboine River water power.

An Act respecting the Voters' List of 1895.

An Act further to amend the Act respecting the Judges of Provincial Courts.

An Act respecting Commercial Treaties affecting Canada.

An Act for the settlement of certain questions between the Governments of Canada and British Columbia relating to lands in the Railway Belt, British Columbia.

An Act respecting La Chambre de Commerce du district de Montréal.

An Act to amend "The Copyright Act."

An Act to incorporate the International Radial Railway Company.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

An Act respecting the discharge of a mortgage to Her Majesty, known as the Markland Mortgage.

An Act further to amend the Dominion Elections Act.

An Act to amend the Act respecting Roads and Road Allowances in the Province of Manitoba.

An Act for the relief of Julia Ethel Chute.

An Act to amend the law respecting the Superannuation of Judges of Provincial Courts.

An Act further to amend the Customs Act.

An Act to incorporate the James Bay Railway Company.

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An Act to legalize payments heretofore made to the general revenue fund of the North-west Territories of certain fines, penalties and forfeitures.

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An act to revive and amend the Act respecting the Lake Manitoba Railway and Coal Company.

An Act to incorporate the Trans-Canadian Railway Company.

An Act to incorporate the Ottawa Land and Security Company.

An Act to incorporate the Dominion of Canada Trusts Company.

An Act further to amend the Winding-up Act.

An Act to authorize the Treasury Board to exempt certain Societies from the operation of the Insurance Act.

An Act further to amend the Act respecting the Senate and House of Commons.

An Act to encourage Silver-lead smelting.

An Act further to amend the North-west Territories Representation Act.

An Act to amend the North-west Irrigation Act.

An Act further to amend the Inland Revenue Act.

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An Act respecting the bounty on Beet-root Sugar.

An Act further to amend the Criminal Code, 1892.

An Act to amend the Acts respecting Penitentiaries.

An Act respecting the Winnipeg Great Northern Railway Company.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :—

MAY IT PLEASE YOUR EXCELLENCY :

The Commons of Canada have voted certain supplies required to enable the government to defray the expenses of the Public Service.

In the name of the Commons, I present to Your Excellency the following bill :—

"An act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending 30th June, 1896, and for other purposes relating to the Public Service," to which bill I humbly request Your Excellency's assent.

To this bill the Royal assent was signified in the following words :—

In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence, and assents to this bill.

After which His Excellency the Governor General was pleased to close the Fifth Session of the Seventh Parliament of the Dominion with the following Speech :—

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

In bringing this Session of Parliament to a conclusion, I have to congratulate you on the industry and zeal which have marked your labours.

The necessary legislation having been passed, the Treaty of Commerce with France, from which favourable commercial results may be expected, will, as soon as ratified, be put into force by proclamation.

The negotiations with Newfoundland to which reference was made at the opening of the Session, I regret to say have not resulted in any agreement for the present.

The reply of the Provincial Legislature of Manitoba to the Remedial Order issued by my Government on the 21st March last was considered of such a character as to justify postponement of further action until next Session.

I am pleased to observe the grant of Parliament in aid of the fund contributed by the Canadian people for the benefit of the family of the late Right Honourable Sir John Thompson.

The amendments which have been made to the law relating to the Civil Service, will, it is believed, result in increased efficiency and economy.

The legislation of the Session will, I trust, lead to an improved administration of criminal law, to the advancement of commerce and the extension of railway and telegraphic communication.

*Gentlemen of the House of Commons :*

I thank you for the liberal provision which you have made for the services of the current year.

*Honourable Gentlemen of the Senate, and Gentlemen of the House of Commons :*

In relieving you from your duties, I venture to express the hope that you will find among the people you represent a continuance of that prosperity which marked the opening year.

The Speaker of the Senate then said :

*Honourable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

It is His Excellency the Governor General's will and pleasure, that this Parliament be prorogued until Saturday, the 31st day of August next, to be here held, and this Parliament is accordingly prorogued until the 31st day of August next.

# INDEX

TO

# DEBATES OF THE SENATE

OF THE

# DOMINION OF CANADA

# 1895

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PART I. constitutes an Index to the names of Senators, with their action and observations upon the respective subjects.

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The following abbreviations are used: Addl., additional; Amt., amendment; Amd., amended; Appt., appointment; B., Bill; Cl., Clause; Co., Company; Com., Committee; Com. of the W., Committee of the Whole House; Consolid., Consolidation; Corresp., Correspondence; Govt., Government; His Ex., His Excellency; H. of Commons, House of Commons; Incorp., Incorporation; Inqy., Inquiry; Inquies., Inquiries; M., Motion; *m.*, moved; Par., Paragraph; Ry., Railway; Sect., section; W., Whole House.

On a Division: C., Content; N.-C., Non-Content.

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*, Without comment or debate.

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*(58-59 Victoria, cap. .)*

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Assent, 805.
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Assent, 805.
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(C) An Act for the relief of Mary Bradshaw Falding.—*(Mr. Clemow.)*

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2nd R.*, 131.
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Assent, 805.
(58-59 *Vic., cap.* 96.)

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Assent, 805.
(58-59 *Vic., cap.* 97.)

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Assent, 805.
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Introduced*, 129.
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Assent, 805.
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(G) An Act further to amend the Indian Act.—(Sir *Mackenzie Bowell*).

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Assent, 805.
(58-59 *Vic., cap.* 35).

(H) An Act respecting the Shore Line Railway Company.—(Mr. *McClelan*).
Introduced*, 195.
2nd R. *m.* (Mr. McClelan), explanation of B., 230-1. M. agreed to, 231.
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Assent, 805.
(58-59 *Vic., cap.* 63).

(I) An Act for the relief of Julia Ethel Chute.—(*Mr. Clemow.*)
Report of Divorce Com. presented (Mr. Kirchhoffer), not relieving petitioner of all expenses but recommending rule requiring $200 deposit be dispensed with. M. (Mr. Kirchhoffer) report be taken into consideration to-morrow, 146. M. agreed to, 146.
Adoption of 8th R. *m.* (Mr. Kirchhoffer), 185; remarks: (Mr. Power), report read, 185; relieving petitioner of payment of $200 deposit: Messrs. Kirchhoffer, Power, 185; Messrs. Kaulbach, 185-6, Clemow, Kaulbach, Power, 186; Messrs. McInnes, Kaulbach, Miller, Power, Kirchhoffer, 187; Messrs. Kirchhoffer, Kaulbach, Power, Read, Bellerose, O'Donohoe, Primrose, 188; Messrs. Kaulbach, Primrose, 189. M. for adoption agreed to by following vote: (C. 23, N.-C. 21), 189.
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3rd R.*, 497.
Assent, 805.
(58-59 *Vic., cap.* 95.)

(J) An Act to amend the Act respecting certain Female Offenders in the Province of Nova Scotia.—(*Mr. Power.*)
Introduced*, 247.
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Assent, 805.
(58-59 *Vic., cap.* 43.)

(K) An Act to amend the Companies Act.—(*Mr. Kirchhoffer.*)
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Assent, 805.
(58-59 *Vic., cap.* 21.)

(L) An Act further to amend the Act respecting the incorporation of Boards of Trade.—(*Sir Mackenzie Bowell.*)
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2nd R. *m.* (Sir Mackenzie Bowell), 377; explanation of B., 377. M. agreed to, 377.
In Com. of the W., 430. B. reported from the Com. without Amt. (Mr. Vidal), 430.
3rd R.*, 430.
Assent, 805.
(58-59 *Vic., cap.* 17.)

(M) An Act for the settlement of certain questions between the Government of Canada and British Columbia relating to lands in the railway belt of British Columbia.—(*Sir Mackenzie Bowell.*)
Introduced*, 487.
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Assent, 805.
(58-59 *Vic., cap.* 4.)

(N) An Act further to amend the Tenth Chapter of the Consolidated Statute for Lower Canada respecting seditious and unlawful associations and oaths.—(*Mr. Power.*)
Introduced*, 282.
2nd R. *m.* (Mr. MacInnes, Burlington), 313. Explanation of B. (Mr. Power), 313. Remarks: Messrs. Power MacInnes (Burlington), 313; Messrs. DeBoucherville, MacInnes (Burlington), 314. M. agreed to, 314.
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3rd R.*, 340.
Assent, 805.
(58-59 *Vic., cap.* 44.)

(22) An Act further to amend the Act respecting Dominion notes.—(*Sir Mackenzie Bowell*).
Introduced*, 376.
2nd R. *m.* (Sir Mackenzie Bowell), 386; explanation of B., 386; ques. (Mr. Scott) as to reserve in any issue in excess of twenty million dollars, 386; Sir Mackenzie Bowell, issue not restricted, but security dollar for dollar must be provided, 386.
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Assent, 805.
(58 59 *Vict., cap.* 16.)

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(26) An Act to incorporate the Bankers' Life Association of Canada.—(*Mr. Lougheed*).
Introduced*, 331.
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B. reported with amts. from Com. on Banking and Commerce (Mr. Allan), 389; explains amt. with change of title, 389. M. (Mr. Lougheed) that amts. be taken into consideration to-morrow, 389. Mr. Scott, objects to title, change does not meet objection first raised, 389; Mr. Clemow, companies with same name in U.S. likely to do business in Canada, 389; Mr. Lougheed, gives notice will *m.* suspension of 49th rule in reference to this B., 390; Mr. Power gives notice will *m.* an amt. to change the title of B., 390; title of B. and licensing U.S. company, Messrs. Allan, Scott, Clemow, Lougheed, Desjardins, Ferguson (Niagara), MacInnes, (Burlington), Ogilvie, Angers, 390; Messrs. Angers, Lougheed, Desjardins, 391.
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M. (Mr. Lougheed) for concurrence in amts., 467; remarks: Messrs. Lougheed and Scott, 467. M. agreed to, 467.
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M. agreed to, 574.
3rd R.*, 577.
Assent, 805.
(58-59 *Vict., Cap.* 82.)

(27) An Act respecting the Alberta Railway and Coal Company.—(*Mr. McMillan*).
Introduced*, 130 (Mr. MacInnes).
2nd R.*, 139 (Mr. MacInnes.)
3rd R.*, 166 (Mr. MacInnes).
Assent, 805.
(58-59 *Vic., cap.* 45.)

(28) An Act to incorporate the St. John River Bridge Company.—(*Mr. Poirier.*)
Introduced*, 195.
2nd R. *m.* (Mr. Poirier); explanation of B., 231; remarks: Messrs. Power and Poirier, 231. M. agreed to, 231.
3rd R.*, 250.
Assent, 805.
(57-58 *Vic., cap*, 74.)

(29) An Act to incorporate the James Maclaren Co. Limited.—*(Mr. McLaren).*
Introduced*, 131.
2nd R.*, 145.
B. reported from Com. (Mr. Allan) with Amts., explains B. and suggests be taken into consideration to-morrow, 200.
M. (Mr. McCallum) amts., be taken into consideration to-morrow, 200. M. agreed to, 200.

BILLS—*Continued.*

M. (Mr. McCallum) for concurrence in Amts. made by Com. on Banking and Commerce, 231; M. agreed to, 231.
3rd R.*, 231.
Assent, 805.
(58-59 *Vic., cap.*, 90).

(30) An Act to incorporate the Deschenes Bridge Company.—(*Mr. McLaren.*)
Introduced*, 130.
2nd R. *m.* (Mr. McLaren) 144; remarks: Mr. Clemow, 144; Sir Mackenzie Bowell, 144; Mr. McCallum, 145. M. agreed to, 145.
3rd R. *m.* (Mr. McCallum), 248; remarks: Messrs. Power, McCallum, 248; Messrs. Scott and McCallum, 249; Messrs. Scott, Angers, Vidal, 250. M. agreed to, 250.
Assent, 805.
(58-59 *Vic., cap.*, 73.)

(31) An Act to incorporate the Canadian Sick Benefit Society.—(*Mr. McKindsey.*)
Introduced,* 331.
2nd R.*, 375.
B. reported from Com. on Banking and Commerce, (Mr. Allan), 387. Remarks: on giving notice in different provinces, Messrs. Macdonald, (B.C.), Allan, Miller, 387-88; Mr. Lougheed gives notice will move suspension of 49th rule on B. coming up for 3rd R., 389.
On Order of the Day, 3rd R., B. (31), an Act to incorporate, etc., 432; M. (Mr. Lougheed) that subsection (*c*) of rule 49 be suspended in so far as relates to this B., 432; explanation of omission of publication of notice in other provinces, 432. M. agreed to, 432.
3rd R., *m*, (Mr. Lougheed), 432. M. agreed to, 432.
Assent, 805.
(58-59 *Vic., cap.*, 80).

(32) An Act respecting the Ottawa, Arnprior and Parry Sound Ry. Co.—(*Mr. McLaren*).
Introduced*, 130.
2nd R.*, 145.
3rd R.*, 166.
Assent, 805.
(58-59 *Vic., cap.*, 57.)

(33) An Act to amend the Act to grant certain powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited.—(*Mr. McCallum*).
Introduced *, 131.
2nd R. *m.*, (Mr. McCallum), 146. B. explained 146. M. agreed to, 146.
3rd R.*, 200.
Assent, 805.
(58-59 *Vic., cap.*, 76.)

(34) An Act respecting the Toronto, Hamilton and Buffalo Railway Co.—(*Mr. Lougheed.*)
1st R.*, 679.
2nd R.*, 679.
3rd R.*, 680.
Assent, 805.
(58-59 *Vic., cap.* 66.)

(36) An Act to amend the Act incorporating the Canada and Michigan Tunnel Company, and to change the name of the Company to the Canada and Michigan Bridge and Tunnel Company.—(*Mr. McMillan*).
Introduced*, 130.
2nd R. *m.* (Mr. McMillan), 145. Remarks: Mr. McCallum, for explanation of B., 145. B.

BILLS—*Continued.*

explained (Mr. McMillan), 145-6. M. agreed to, 146.
3rd R.*, 166.
Assent, 805.
(58-59 *Vic., cap.* 71.)

(38) An Act respecting the Hamilton Distillery Company.—(*Mr. MacInnes*).
Introduced*, 195.
2nd R. *m.* (Mr. MacInnes, Burlington), 231; remarks: Messrs. Power, Dever and Kaulbach, 231. M. agreed to, 231.
3rd R.*, 233.
Assent, 805.
(58-59 *Vic., cap.* 92.)

(39) An Act further to amend the Hamilton Provident and Loan Society Act of 1885.—(*Mr MacInnes, Burlington*).
Introduced*, 331.
2nd R.*, 341.
3rd R.*, 430.
Assent, 805.
(58-59 *Vic., cap.* 85.)

(45) An Act respecting the Great North-west Central Ry. Co.—(*Mr. Clemow*).
Introduced*, 268.
2nd R.*, 280.
M. (Mr. Clemow) for concurrence in amts. made by Standing Com. on Railways, etc., 375. M. agreed to, 375.
3rd R.*, 375.
Assent, 805.
(58-59 *Vic., cap.* 48.)

(46) An Act to incorporate the Trans-Canadian Railway Company.—(*Mr. Clemow.*)
1st R.*, 733.
2nd R.*, 733.
3rd R.*, 744.
Assent, 805.
58-59 *Vic., cap.* 68.)

(47) An Act to incorporate the Canadian Order of Foresters.—(*Mr. Sanford*).
Introduced*, 268.
2nd R.*, 280.
On Order of the Day, consideration of amts. made by Standing Com., 449; Mr. Clemow, promotors not satisfied with amts., wish B. withdrawn, 449. B. dropped, 449.

(48) An Act to incorporate the Dominion Atlantic Ry. Co.—(*Mr. Power*).
1st R., 375. Mr. Power, explanation of B., 375.
M. (Mr. Power) that rules 40 and 60 be dispensed with as regards this B., reason given, 376. M. agreed to, 376.
2nd R., M. (Mr. Power), 376. M. agreed to, 376.
M. (Mr. Power) for concurrence in amts. made by the Standing Com. on Railways, etc., 380. M. agreed to, 380.
3rd R. M. (Mr. Powers), 380. Amt. M. (Mr. McClelan), 380. Remarks: Mr. McKay; 380; Messrs. Power, McKay, Dickey, 381; Messrs. Dickey, Almon, Ogilvie, 382; Messrs. Ogilvie, Kaulbach, McKay, Power, 383; Messrs. Power, Sir Mackenzie Bowell, 385; Sir Mackenzie Bowell, 385. Amt. lost on a division, 385. B. read 3rd time and passed, 385.
Assent, 805.
(58-59 *Vic., cap.* 47.)

BILLS—*Continued.*

(49) An Act respecting the Windsor and Annapolis Railway Co.—(*Mr. Power*).
1st R., 330. Remarks: Sir Mackenzie Rowell, Mr. Power, company commuting claim with govt. for duty, 330.
2nd R. *m.* (Mr. Power), 341, explanation of B. (Mr. Power), 341. M. agreed to, 341.
3rd R.*, 380.
Assent, 805.
(58-59 *Vic., cap.* 69.)

(50) An Act respecting the Manitoba and South-eastern Ry. Co.—(*Mr. Bernier.*)
Introduced*, 130.
2nd R.*, 145.
3rd R.*, 166.
Assent, 805.
(58-59 *Vic., cap.* 55.)

(51) An Act further to amend the Criminal Code, 1892.—(*Sir Mackenzie Bowell.*)
Introduced *, 730.
2nd R. *m.* (Sir Mackenzie Bowell), 753; M. agreed to, 753.
In Com. of the W.—On Sec. 673; remarks: amt. *m.* (Mr. Power) verdict of eleven jurors in four hours, 753; Messrs. Power, Kaulbach, 754; Messrs. Kaulbach, Power, Bowell, Scott, 755; Mr. Scott, 756. Amt. lost, 756.
B. reported from Com. without amt. (Mr. Snowball), 756.
3rd R. *m.* (Sir Mackenzie Bowell), 766; remarks: Mr. Power, 766; Messrs. Power, Ferguson, Kaulbach, 767; Messrs. Power, Kaulbach, 768. Amt. *m.* (Mr. Power), 768. Amt. lost on a division, 768. B. read third time and passed, 768.
Assent, 805.
(58-59 *Vic., cap.* 40.)

(53) An Act respecting the Manitoba and North-west Loan Company, Limited.—(*Mr. Boulton.*)
Introduced *, 268.
2nd R.*, 280.
3rd R.*, 376.
Assent, 805.
(58-59 *Vic., cap.* 86.)

(54) An Act to incorporate the Ottawa and Aylmer Railway and Bridge Company.—(*Mr. Clemow.*)
Introduced*, 233.
2nd R. *m.* (Mr. Clemow), 250. Explanation of B., 250.
3rd R.*, 294.
Assent, 805.
(58 59 *Vic., cap.* 58.)

(55) An Act to incorporate the Langenburg and Southern Railway Company.—(*Mr. Lougheed.*)
Introduced*, 268.
2nd R. *m.* (Mr. Lougheed), 272; remarks: Messrs. Power and Lougheed, 272; M. agreed to, 272.
3rd R. *m.* (Mr. Lougheed), 296; remarks: Mr. Power, on the report of the Com., 296-7; history of the construction of the road, etc., (Mr. Power) 297; Messrs. Power, Kaulbach, 298; Messrs. Kaulbach, McCallum, Bellerose, 299; Messrs. Bellerose, Drummond, 300; Messrs. Drummond, Power, Vidal, 301; Mr. Vidal, 302; Messrs. Vidal, Kaulbach, 303; Messrs. Vidal, McMillan, Ogilvie, Scott, 304; Messrs. Scott, Power, Boulton, 305; Mr. Boulton, 306; Messrs. Boulton, Scott, Lougheed, 307; Messrs. Lougheed, Power, 308; Mr. Lougheed, 309; Messrs. Lougheed, Macdonald (B.C.),

BILLS—*Continued.*

McCallum, McClelan, 310; Messrs. McClelan, Allan, 311; Mr. Allan, 312. M. agreed to on following vote (C., 41; N.-C., 10), 312.
Assent, 805.
(58-59 *Vic., cap.* 53.

(56) An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited.—(*Mr. Power.*)
Introduced*, 210.
2nd R. *m.* (Mr. Power), 232. Explanation of B., 232; remarks: Messrs. Kaulbach, Power, 232; Messrs. Kaulbach, Power, Almon, Ogilvie, 233. M. agreed to, 233.
B. reported from Banking and Commerce Com. (Mr. Allan) with amt.: concurrence in amt. *m.* (Mr. Power), and agreed to, 314. 3rd R. *m.* (Mr. Power). 338. Remarks: Mr. Almon states the position of the matter, 338-9; Mr. Power, explains B. had been allowed to pass Com., 339; Mr. Miller, no division taken, and only a few amts. made in Com., 339; Mr. Allan, B. very carefully considered in Com., etc., 339; Mr. Kaulbach, majority of company that amalgamated in favour of B., 339-40. M. agreed to, 340.
M. (Mr. Power) to return to the Nova Scotia Steel Co. the original deed of sale, etc., 432. Remarks: Messrs. Miller and Power, 432. M. agreed to, 432.
(58-59 *Vic., cap.* 91.)
Assent, 805.

(57) An Act to incorporate the Trail Creek and Columbia Railway Company.—(*Mr. MacInnes.*)
Introduced*, 195.
2nd R.*, 231.
B. reported from Com. (Mr. Vidal) with amt., 233; explanation regarding notice (Mr. Vidal), 233; remarks: Messrs. Clemow, Vidal, 233; M. (Mr. MacInnes, Burlington) for adoption of amt., 233; M. agreed to, 233.
3rd R.*, 250.
Assent, 805.
(58-59 *Vic., cap.* 67.)

(58) An Act respecting the Red Mountain Railway Company.—(*Mr. Macdonald, B.C.*)
Introduced*, 211.
2nd R. *m.* (Mr. Macdonald, B.C.), B. explained, 233.
B. reported from Com. with amts. (Mr. Vidal), 270; explanation of amts., 270; remarks: practice regarding 3rd R.; Messrs. Power and Vidal, 270. M. (Mr. Macdonald, B.C.) that amts. be taken into consideration tomorrow, 271 M, agreed to, 271.
3rd R.*, 280.
Assent, 805.
(58-59 *Vic., cap.* 60.)

(60) An Act respecting the St. Catharines and Niagara Central Ry. Co., and to change the name of the Co. to the Niagara, Hamilton and Pacific Ry. Co.—(*Mr. Lougheed.*)
Introduced*, 341.
2nd R.*, 376.
3rd R. *m.* (Mr. Sanford), 487. Amt. *m.* (Mr. Power), 487-8. Remarks: Messrs. Power, MacInnes (Burlington), Clemow, Miller, 488; Messrs. Miller, McClelan, McMillan, Kaulbach, McInnes (B.C.), 489; Messrs. Kaulbach, Sanford, McMillan, 490; Messrs. Gowan, Scott, McMillan, 491; Messrs. Scott, McMillan, Power, McCallum, 492; Messrs. Scott, Kaulbach, McCallum, 493; Mr. McCallum, 494-5; Messrs. McCallum, Power, Sir Mackenzie Bowell, 496; Sir Mackenzie Bowell, 497. Division on the amt., which rejected. (C. 19, N.-C. 22), 497.
Assent, 805.
(58-59 *Vic., cap.* 61.)

(62) An Act respecting the Buffalo and Fort Erie Bridge Co.—(*Mr. Lougheed.*)
Introduced*, 341.
2nd R.*, 376.
3rd R.*, 430.
Assent, 805.
(58-59 *Vic., cap.* 70.)

(63) An Act respecting the St. Lawrence and Adirondack Ry. Co.—(*Mr. Read.*)
Introduced*, 268.
2nd R*, 272.
3rd R.*, 372.
Assent, 805.
(58-59 *Vic., cap.* 62.)

(64) An Act respecting the Canada Southern Ry. Co.—(*Mr. MacInnes, Burlington.*)
Introduced*, 268 (Mr. Vidal).
2nd R.*, 272.
3rd R.*, 372.
Assent, 805.
(58-59 *Vic., cap.* 46.)

(66) An Act further to amend the Penitentiaries Act.—(*Mr. Angers.*)
Introduced*, 272.
2nd R. *m.* (Mr. Angers), 340. Explanation of B., 340. Remarks: Mr. Power, on 1st cl., 340. M. agreed to, 340.
In Com. of the W.—On 2nd cl.: removing insane convicts into asylums, Messrs. Kaulbach, Angers, Power, 340; Messrs. Angers, Power, Kaulbach, 341. Cl. agreed to, 341. B. reported from Com. (Mr. MacInnes, Burlington), without amt., 341.
3rd R. *m.* (Mr. Angers), 372. Remarks: amt. *m.* (Mr. Power) sending prisoners on becoming insane to asylums in same province as convicted in, 372-3; Mr. Sullivan points out special qualities of certain asylums, 373; amt. withdrawn, 373. B. read 3rd time and passed, 373.
Assent, 805.
(58-59 *Vic., cap.* 41.)

(67) An Act further to amend the Fisheries Act.—(*Mr. Angers.*)
Introduced*, 314.
On objection (Mr. Power) to M. (Mr. Angers) for 2nd R. to be allowed without any discussion at present; Mr. Angers *m.* for 2nd R. tomorrow, 430. Remarks: Messrs. Power, Angers and Scott, 430. M. agreed to, 430.
2nd R. *m.* (Mr. Angers), 434. Remarks: Messrs. Angers, McMillan, Kaulbach, Boulton, 434-5; Messrs. Angers, McMillan, Clemow, 436; Messrs. Power, Angers, Macdonald (B.C.), Clemow, 437; Mr. Clemow, 437-49.
Debate resumed, 470. Evidence adduced by Com. appointed by the House from the following: Messrs. Heney, Tilton, Addison, Keefer, Besserer, Mather, Hon. Mr. Glasier, Capt. Bowie; report of Com., general summing up (Mr. Clemow), 470-85; millowners liability (Mr. Gowan), 485-7. M. (Mr. Scott) that debate be adjourned, 487. M. agreed to, 487.
Debate resumed, 502; remarks: Mr. Scott, 502-3; Messrs. Scott, Macdonald, (B.C.),

BILLS—*Continued.*

Angers, 504; Mr. Scott, 505-6; Messrs. Scott, Power, Allan, 507; Messrs. Scott, Allan, 508; Messrs. Allan, Vidal, 511; Messrs. Vidal, Allan, Kaulbach, 509; Messrs. Vidal, Kaulbach, Clemow, 510; Mr. Vidal, 512; Messrs. Vidal, McCallum, Kaulbach, 513; Mr. Kaulbach, 514-15; Messrs. Kaulbach, Power, 516; Mr. Power, 517; Messrs. Power, Scott, Almon, 518; Messrs. Almon, McClelan, 519; Mr. McClelan, 520; Messrs. McClelan, Primrose, 521; Messrs. Primrose, Macdonald, (B.C.), 522; Messrs. Primrose, Clemow, 523; Mr. Primrose, 524-527; Messrs. Primrose, Macdonald, (B.C.), Casgrain, 528; Mr. Primrose, 529; Messrs. Power, Primrose, Boulton, 530; Messrs. Boulton, Primrose, 531; Messrs. Boulton, Bowell, Primrose, 532; Messrs. Boulton, Kaulbach, MacInnes (Burlington), 533; Messrs. MacInnes (Burlington), Sullivan, Power, Clemow, Ogilvie, 534; Messrs. Sullivan, Wark, 535; Messrs. Wark, Sanford, Almon, Perley, 536; Messrs. Perley, Bowell, Angers, O'Donohoe, Power, 537; Mr. O'Donohoe, 538. M. agreed to, 538.

In Com. of the W., on cl. 1; amt. *m.* (Mr. Perley), exempting those rivers for two years more from 1st May, 1895, to which the law has not yet been enforced up to the present time, 561; remarks: Messrs. Angers, Perley, Power, Scott, McClelan, 561; Messrs. Angers, Power, Allan, 562; Messrs. Allan, Bowell, Scott, Power, Perley, 563; Messrs. Bowell, Scott, Angers, Power, 564; attention called to report in Ottawa *Journal* (Mr. Clemow), 564; on the amt., Messrs. Gowan, Power, 565; Mr. Power, 566; Messrs. Scott, Angers, Power, McMillan, Allan, 567; Mr. Allan, 568; com. divided on amt. (Mr. Perley) which was rejected, 568; amt. submitted (Mr. Scott), 568; Messrs. Allan, Scott, McClelan, Macdonald (B.C.) Angers, Scott, 569; amt. (Mr. Scott) withdrawn, 569; amt. (Mr. Clemow), change 30th June, 1897 to 30th April, 1897, 569; Messrs. Angers, Clemow, Almon, 569. Amt. declared lost on a division, 569.

On 2nd cl., amt. *m.* (Mr. Clemow), that all after word "Council" in 36th line of subsection 2, be struck out, 569; remarks: Mr. Clemow, 569; Messrs. Clemow, Angers, Power, Gowan, 570; Messrs. Angers, Clemow, McCallum, Vidal, 571; Mr. Angers, 572. Amt. lost, 572; Cl. agreed to, 572; B. reported from Com. (Mr. Ogilvie) without amt., 572.

3rd R. *m.* (Mr. Angers), 575; remarks: Mr. Clemow, unnecessary to continue further opposition, etc., 575; Mr. Almon, effect if B. was not allowed to become law, 575. M. agreed to, 575.

Assent, 805.

(58-59 *Vic., cap.* 27.)

(68) An Act further to amend the Dominion Elections Act.—(*Sir Mackenzie Bowell.*)

Introduced*, 656.

2nd R. *m.* (Sir Mackenzie Bowell), 679; explanation of B. (Sir Mackenzie Bowell), 679. M. agreed to, 679.

In Com. of the W.: Explanation, (Sir Mackenzie Bowell), 693: B. reported without amt. from the Com. (Mr. Dever), 693.

3rd R., 693.

Assent, 805.

(58-59 *Vic., cap.* 13.)

(69) An Act respecting the Voters List of 1895.—(*Sir Mackenzie Bowell.*)

Introduced*, 612.

2nd R. *m.* (Sir Mackenzie Bowell), 636; explanation of B. (Sir Mackenzie Bowell), 636-7. M. agreed to, 637.

3rd R.*, 639.

Assent, 805.

(58-59 *Vic., cap.* 12.)

(70) An Act respecting the Témiscouata Ry. Co.—(*Mr. Casgrain.*)

Introduced*, 268.

2nd R.*, 280.

3rd R.*, 372.

Assent, 805.

(58 59 *Vic., cap.* 65.)

(71) An Act to incorporate the Camp Harmony Angling Club.—(*Mr. Kirchhoffer*).

Introduced*, 210.

2nd R.*, 232.

Adoption M. (Mr. Kirchhoffer) of amts. made by Com. on Railways, etc., 280.

M. agreed to, 280.

3rd R., *m.* (Mr. Kirchhoffer), 280. Remarks: *re* giving B. 3rd R. same day amts. are adopted, Messrs. Kaulbach, Vidal, Miller, 280. M. agreed to, 280.

Assent, 805.

(58-59 *Vic., cap.* 93.)

(74) An Act further to amend the Act to encourage the development of sea fisheries and the building of fishing vessels.—(*Mr. Angers*).

Introduced*, 376.

2nd R., *m.* (Mr. Angers), 385; explanation of B., 385. Remarks; Messrs. Scott, Angers, Kaulbach, 385; Messrs. Miller and Angers, 386. M. agreed to, 386.

In Com. of the W.—Mr. Power suggests different wording of cl., 386; Mr. Angers explains why suggestion cannot be adopted, 386. B. reported with amts. from Com. (Mr. Ogilvie) which were concurred in, 386.

3rd R.*, 430.

Assent, 805.

(58-59 *Vic., cap.* 29.)

(75) An Act to revive and amend the Act respecting the Lake Manitoba and Canal Co.—(*Mr. Clemow*).

1st R.*, 733.

2nd R.*, 733.

3rd R.*, 744.

Assent, 805.

(58-59 *Vic., cap.* 52.)

(77) An Act to amend the Act to incorporate the St. Clair and Erie Ship Canal Company.—(*Mr. Vidal.*)

Introduced*, 341.

2nd R., *m.* (Mr. Vidal), 375. Explanation of B., 375. M. agreed to, 375.

3rd R.*, 430.

Assent, 805.

(58-59 *Vic., cap.* 75.)

(79) An Act to incorporate Gilmour and Hughson.—(*Mr. Clemow*).

Introduced*, 294.

2nd R.*, 314.

B. reported from Banking and Commerce Com. with amts. (Mr. Allan), 342. Amt. explained (Mr. Allan), 342. M. (Mr. Clemow) that amts. be concurred in, 342. M. agreed to, 342.

3rd R.*, 376.

Assent, 805.

(58-59 *Vic., cap.* 89.)

BILLS—*Continued.*

(80) An Act to incorporate the Lindsay, Haliburton and Mattawa Ry. Co.—(*Mr. Dobson.*)
Introduced*, 268.
2nd R*, 272.
M. (Mr. Clemow) for concurrence in the amts., made by the Standing Com. on Railways, etc., 377. Remarks, on drainage, Mr. Scott, 378; Mr. McCallum, 379; Messrs. Miller, Scott, Vidal, 380. M. agreed to, 380.
3rd R., 380.
Assent, 805.
(58-59 *Vic., cap.* 54.)

(81) An Act to incorporate the Ontario Accident Insurance Co.—(*Mr. Lougheed.*)
Introduced*, 430.
2nd R*, 449.
3rd R.*, 574.
Assent, 805.
(58-59 *Vic., cap.* 83.)

(82) An Act respecting the Kingston and Pembroke Ry. Co.—(*Mr. Perley.*)
Introduced*, 612.
3rd R.*, 678.
Assent, 805.
(58-59 *Vic., cap.* 51.)

(83) An Act respecting the Eastern Assurance Society of Canada.—(*Mr. Power.*)
1st R., 330, *m.* (Mr. Power) that 41st rule of the Senate be suspended as regards this B.; explanation, 331. M. agreed to, 331.
2nd R. *m.* (Mr. Power), 331. M. agreed to and referred to Com. on Banking and Commerce, 331.
3rd R.*, 376.
Assent, 805.
(58-59 *Vic., cap.* 81.)

(84) An Act to amend the Act incorporating the Supreme Court of the Order of Foresters.—(*Mr. Clemow.*)
1st R., 731.
M. (Mr. Clemow) for suspension of 41st rule, 731. Remarks: objections to B.; Messrs. Scott, Ogilvie, 731; Messrs. Ogilvie, Scott, Clemow, Sullivan, Kaulbach, Bowell, 732; Messrs. Bowell, Clemow, Scott, Reesor, 732. *m.* (Mr. Clemow) that B. be read the 2nd time at next meeting of the House, 733. M. agreed to, 733.
B. withdrawn (Mr. Clemow), 768; reasons for, (Mr. Clemow), 768-9; M. (Mr. Clemow) for remission of fee, etc., 769; remarks: Sir Mackenzie Bowell, propriety of introducing bills in Senate first, 769. M. agreed to, 769.

(85) An Act to incorporate the Hamilton and Lake Erie Power Company.—(*Mr. MacInnes, Burlington.*)
Introduced*, 376.
2nd R. *m.* (Mr. MacInnes, Burlington), 376; explanation of B., 376. M. agreed to, 376.
Report of B. with Amts. from Com. on Railways, etc. (Mr. Vidal), 430.
*m.* (Mr. MacInnes, Burlington), that 41st rule be suspended in so far as relates to this B., 430. Remarks: objecting to M., Messrs. Power, MacInnes, Scott, Allan, Angers, Miller, Vidal, Bellerose, 431; M. (Mr. MacInnes, Burlington) that Amts. be concurred in, 431. M. agreed to, 431.
3rd R., 431.
Assent, 805.
(58-59 *Vic., cap.* 78.)

BILLS—*Continued.*

(87) An Act to incorporate the James' Bay Ry. Co.—(*Mr. McMillan.*)
Introduced*, 341.
2nd R. *m.* (Mr. McMillan), 375; explanation of B., 375, M. agreed to, 375.
M. (Mr. McMillan) for concurrence in Amts. made by the Standing Com. on Railways, etc., 464; M. agreed to, and B. read 3rd time and passed, 464.
Assent, 805.
(58-59 *Vic., cap.* 50.)

(88) An Act respecting the South Shore Railway Company.—(*Mr. Kaulbach.*)
1st R., 730.
M. (Mr. Kaulbach) for suspension of 41st rule, 730. M. agreed to, 730.
2nd R. *m.* (Mr. Kaulbach), 730; explanation in regard to debts of old company, 730. M. agreed to, 730.
3rd R.*, 744.
Assent, 805.
(58-59 *Vic., cap.* 64.)

(90) An Act respecting the Oshawa Railway Co.—(*Mr. Dobson.*)
Introduced*, 430.
2nd R.*, 449.
3rd R.*, 574.
Assent, 805.
(58-59 *Vic., cap.* 56.)

(91) An Act to amend the law respecting the Lobster Fishery.—(*Sir Mackenzie Bowell.*)
Introduced*, 577.
2nd R. *m.* (Sir Mackenzie Bowell), 577; explanation of B., 577-8; remarks: Mr. Power, 578; Messrs. Power, Kaulbach, Prowse, 579; Messrs. Prowse, Scott, Power, 580; Messrs. Power, Almon, Kaulbach, 581; Messrs. Kaulbach, Prowse, 582; Messrs. Ferguson (P.E.I.), Macfarlane, Prowse, Kaulbach, 583; Messrs. Macfarlane, Arsenault, 584; Mr. Macdonald (P.E.I.), 585. M. agreed to, 585.
In Com. of the W.—Remarks: repeal of sec. 3, *re* marking with labels, packing, etc., Messrs. Power, Bowell, 612; Messrs. Power, Kaulbach, 613; license fee, Messrs. Prowse, Kaulbach, 613; Messrs. Power, Kaulbach, Snowball, Bowell, 614; Messrs. Bowell, Kaulbach, Lougheed, 615; Messrs. Kaulbach, Prowse, Snowball, Bowell, Power, Arsenault, 616; Messrs. Power, Bowell, 617. Cl. allowed to stand, 617.
On subsection 3: stamping with the year canned; Messrs. Scott, Bowell, Snowball, 617; Messrs. Snowball, Power, Kaulbach, Prowse, 618; Messrs. Prowse, Snowball, Bowell, Scott, Smith, 619; Messrs. Scott, Smith, Power, Snowball, 620; Messrs. Snowball, Power, Arsenault, 621. Amt. *m.* (Mr. Power), 621; remarks: Messrs. Power, Bowell. 622. Amt. lost, 622. Mr. Lougheed from the com. reported progress and asked leave to sit again, 622.
In Com. of the W., resumed, 638. Remarks: Messrs. Bowell, Power, Macdonald (P.E.I.), 638.
B. reported with amts. from Com. (Mr. Lougheed) which were concurred in, 638.
3rd R. *m.* (Sir Mackenzie Bowell), 640; amt. *m.* (Mr. Power) stamping with name and year, 640; remarks: Messrs. Macdonald (B.C.), Arsenault, Kaulbach, 640; Messrs. Kaulbach, Bowell, Reesor, Smith, Power, 641. Division

BILLS—*Continued.*

on amt. which was lost (C. 9, N.-C. 38), 641-2. B. read 3rd time and passed, 642.
Assent, 805.
(58-59 *Vic., cap.* 28.)

(92) An Act further to amend the Insurance Act.—(*Mr. Angers*).
Introduced*, 386.
2nd R. *m.* (Mr. Angers), 432; explanation of object of B. (Mr. Angers), 432-3. Mr. Scott, on title of companies, 433. M. agreed to, 433.
M. (Mr. Angers) that B. be referred to a Com. of the W., 433. Remarks: Messrs. Power and Angers, 434. B. allowed to stand until to-morrow, 434.
In Com. of the W.—On 1st cl. Attention called (Mr. Power) to certain alleged discrepancies as to date when company will make returns, etc., 464-5; remarks: Messrs. Angers, Power, Scott, Bowell, 464-6; cl. adopted, 466.
Remarks, insurance on children; Messrs. Scott, Ogilvie, Angers, 466.
Amt. *m.* (Mr. Scott) to Sec. 4, corporate name of company applying for license not that of any other known company, 466; remarks: Messrs. Power, Scott, Angers, 466.
B. reported (Mr. MacInnes, Burlington) from Com. with amt., 467, which was concurred in, 467.
3rd R., 497.
Assent, 805.
(58-59 *Vic., cap.* 20.)

(95) An Act to incorporate the Grand Falls Water-Power and Boom Company.—(*Mr. Perley.*)
Introduced*, 272.
2nd R.*, 294.
3rd R. *m.* (Mr. Perley), 502. Remarks: Mr. Power, on change of name, 502.
Assent, 805.
(58-59) *Vic., cap.* 77.)

(96) An Act to incorporate the International Radial Railway Company.—(*Mr. Lougheed.*)
Introduced*, 612.
2nd R.*, 636.
B. reported without Amt. (Mr. Vidal) from Com. on Railways, etc., 679.
M. (Mr. Lougheed) for suspension of the 70th rule, 679. M. agreed to, 679.
3rd R. *m.* (Mr. Lougheed), 679; remarks: Mr. Allan, enters protest against this legislation, Sunday traffic, 679-80. M. agreed to, B. read 3rd time and passed, 680.
Assent, 805.
(58-59 *Vic., cap.* 49.)

(97) An Act respecting the Clifton Suspension Bridge Company.—(*Mr. Lougheed.*)
Introduced*, 341.
2nd R.*, 538.
3rd R.*, 577.
Assent, 805.
(58-59 *Vic., cap.* 72.)

(98) An Act respecting the Quebec, Montmorency and Charlevoix Railway Co.—(*Mr. Clemow.*)
1st R.*, 733.
2nd R.*, 733.
B. report with Amts. from Com. on Railways, etc. (Mr. Dickey), 744; explanation of changes (Mr. Dickey), 744. M. (Mr. Clemow) for concurrence in Amts., 744. M. agreed to, 744.
3rd R., 744.
Assent, 805.
(58-59 *Vic., cap.* 59.)

BILLS—*Continued.*

(100) An Act to incorporate the Dominion of Canada Trusts Company.—(*Mr. Clemow.*)
1st R., 730.
M. (Mr. Clemow) for suspension of 41st rule, 730. M. agreed to, 730.
2nd R. *m.* (Mr. Clemow), 731; remarks: Mr. McInnes (Burlington) on name of company, 731. M. agreed to, 731.
3rd R.*, 744.
Assent, 805.
(58-59 *Vic., cap.* 84.)

(101) An Act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada.—(*Mr. Allan.*)
Introduced*, 331.
2nd R. *m.* (Mr. Allan), 375. Explanation, 375. M. agreed to, 375.
3rd R.*, 430.
Assent, 805.
(58-59 *Vic., cap.* 94.)

(105) An Act to incorporate the Ottawa Land and Security Company.—(*Mr. Clemow.*)
1st R.*, 733.
2nd R.*, 733.
3rd R.*, 744.
Assent, 805.
(58-59 *Vic., cap.* 87.)

(113) An Act to amend chapter 10 of the Statutes of 1892, respecting the Harbour Commissioners of Three Rivers.—(*Sir Mackenzie Bowell.*)
Introduced*, 499.
2nd R. *m.* (Sir Mackenzie Bowell), 538; remarks: explanation of B. (Sir Mackenzie Bowell), 538-9; Messrs. Macdonald (B.C.), Power, Angers, Bowell, 539. M. agreed to, 539.
3rd R.*, 574.
Assent, 805.
(58-59 *Vic., cap.* 26.)

(114) An Act to amend the Act respecting roads and road allowances in the province of Manitoba.—(*Sir Mackenzie Bowell.*)
Introduced*, 656.
2nd R. *m.* (Sir Mackenzie Bowell), 679; explanation (Sir Mackenzie Bowell), 679. M. agreed to, 679.
In Com. of the W.—Explanation of B. (Sir Mackenzie Bowell), 693; remarks: Messrs. Power, Bowell, 694. B. reported without Amt. from Com. (Mr. Macdonald, P.E.I.), 694.
3rd R., 694.
Assent, 805.
(58-59 *Vic., cap.* 30.)

(116) An Act further to amend the Dominion Lands Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 449.
2nd R. *m.* (Sir Mackenzie Bowell) 487. Explanation of B., 487. M. agreed to, 487.
In Com. of the W.—Amt. *m.* (Sir Mackenzie Bowell), 498; remarks: Messrs. Scott, Bowell, Power, Almon, 498. Amt. agreed to, 498.
Additional cl. (Sir Mackenzie Bowell), 498; remarks: Messrs. Scott, Bowell, 498-9.
B. reported from Com. with amts. (Mr. Vidal), which were concurred in, 499.
M. (Sir Mackenzie Bowell) for concurrence in amts. made in Com. of the W., 538. M. agreed to, 538.
3rd R. *m.* (Sir Mackenzie Bowell), 538. M. agreed to, 538.
Assent, 805.
(58-59 *Vic., cap.* 34.)

BILLS—*Continued.*

(117) An Act respecting La Chambre de Commerce du district de Montréal. (*Mr. Desjardins.*)
Introduced*, 612.
2nd R.*, 622.
3rd R.*, 656.
Assent, 805.
(58-59 *Vic., cap.* 88.)

(120) An Act further to amend the North-west Irrigation Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 730.
2nd R. *m.* (Sir Macke zie Bowell), 757; explanation of changes in B. (Sir Mackenzie Bowell), 757-8. M. agreed to, 758.
3rd R., 758.
Assent, 805.
(58-59 *Vic., cap.* 33.)

(121) An Act further to amend the North-west Territories Representation Act.—(*Mr. Ferguson.*)
Introduced*, 730.
2nd R. *m.* (Mr. Ferguson, 750; explanation of B. (Mr. Ferguson), 750; remarks: Mr. Scott, 750-1. M. agreed to, 751.
In Com. of the W.—On cl. 2; remarks: Messrs. Scott, Ferguson, Power, 752; Messrs. Power, Ferguson, 753.
B. reported from Com. without amt. (Mr. Dever), 753.
3rd R., 753.
Assent, 805.
(58-59 *Vic., cap.* 11.)

(122) An Act to amend the General Inspection Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 499.
2nd R. *m.* (Sir Mackenzie Bowell), 539. Explanation of B. (Sir Mackenzie Bowell), 539-40. Remarks: Messrs. Ogilvie, Bowell, Lougheed, Power, Scott, 540; Messrs. Ogilvie, Bowell, 541. M. agreed to, 541.
3rd R.*, 574.
Assent, 805.
(58-59 *Vic., cap.* 24.)

(123) An Act further to amend the Public Works Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 499.
2nd R. *m.* (Sir Mackenzie Bowell), 541. Explanation of B., 541. M. agreed to, 541.
B. reported from Com. of the W. without amt. (Mr. Perley), 574.
B. allowed to stand over until to-morrow for 3rd R., 574; remarks Messrs. Bowell and Angers, 574.
3rd R. *m.* (Sir Mackenzie Bowell), 576; wording of B. correct (Sir Mackenzie Bowell), 576. M. agreed to, 576.
Assent, 805.
(58-59 *Vic., cap.* 36.)

(124) An Act further to amend the Act to readjust the representation of the House of Commons. —(*Mr. Angers.*)
Introduced*, 541.
2nd R., —
3rd R., 577.
Assent, 805.
(58-59 *Vic., cap.* 10.)

(125) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the fiscal year ending 30th June, 1895, and for other purposes relating to the public service.—(*Sir Mackenzie Bowell.*)

BILLS—*Continued.*

1st R.*, 431.
2nd R.*, 431.
3rd R.*, 431.
Assent, 805.
(58-59 *Vic., cap.* 1.)

(126) An Act respecting Commercial Treaties affecting Canada.—*Sir Mackenzie Bowell.*)
Introduced*, 586.
2nd R. *m.* (Sir Mackenzie Bowell), 639; remarks: Messrs. McCallum, Bowell, 639. M. agreed to, 639.
M. (Sir Mackenzie Bowell) that House resolve itself into Com. of the W., 643; explanation of B.; ratification of French Treaty; explanation of delay, 643-4; remarks: Messrs. McCallum, Bowell, 645; amt. *m.* (Mr. McCallum) for six months hoist, 645; second M. (Mr. Boulton), 645-647; Messrs. Boulton, Kaulbach, 647; Messrs. Kaulbach, Boulton, Scott, 648; Messrs. Scott, Macdonald (B.C.), 649; Messrs. Scott, Poirier, Snowball, McCallum, 650; Messrs. Snowball, McCallum, Power, Bowell, 651; Messrs. Snowball, Power, Boulton, Almon, Dever, 652; Messrs. Dever, Bernier, Scott, Snowball, Bowell, 653; Messrs. Bowell, Boulton, Macdonald (B.C.), 654; Messrs. Bowell, Scott, 655; Sir Mackenzie Bowell, 656. Division on amt. (Mr. McCallum) for six months' hoist, (C. 6, N.-C. 42), 656. B. reported without amts. from Com. (Mr. Vidal), 656.
3rd R., 656.
Assent, 805.
(58-59 *Vic., cap.* 3.)

(127) An Act further to amend the Act respecting the Judges of Provincial Courts.—(*Sir Mackenzie Bowell.*)
Introduced*, 612.
2nd R. *m.* (Sir Mackenzie Bowell), 637; remarks: Messrs. Scott, Bowell, 637. M. agreed to, 637.
In Com. of the W.—Salaries paid to two Montreal judges, Messrs. Bowell, Kaulbach, Lougheed, 643. B. reported without amts. (Mr. MacInnes, Burlington), from com., 643.
3rd R.*, 643.
Assent, 805.
(58-59 *Vic., cap.* 38.)

(129) An Act to amend the law respecting the Superannuation of Judges of Provincial Courts.—(*Sir Mackenzie Bowell.*)
1st R., 694.
M. (Sir Mackenzie Bowell) for 2nd R. to-morrow, 694. Explanation of B. (Sir Mackenzie Bowell), 694. M. agreed to, 694.
2nd R. *m.* (Sir Mackenzie Bowell) 714; remarks: Messrs. Lougheed, Bowell, 714; Messrs. Lougheed, Scott, Bowell, 715. M. agreed to, 715.
B. then passed through Com. of the W. without amt., 715.
3rd R.*, 715.
Assent, 805.
(58-59 *Vic., cap.* 39.)

(130) An Act further to amend the Civil Service Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 612.
2nd R. *m.* (Sir Mackenzie Bowell), 697; explanation of B. (Sir Mackenzie Bowell), 697; remarks: Mr. MacInnes (Burlington), 697-9; Messrs. MacInnes (Burlington), Macdonald (B.C.), 699; Messrs. MacInnes (Burlington), Power, 700; Mr. MacInnes (Burlington),

BILLS—*Continued.*

701-2; amt. *m.* (Mr. MacInnes, Burlington), six months' hoist, 703; Messrs. Macdonald (B.C.), Power, 703; Mr. Power, 704; Messrs. Macdonald (B.C.), Power, 705; Messrs. Power, Reesor, 706; Messrs. Reesor, MacInnes (Burlington), Clemow, 707; Messrs. Clemow, MacInnes (Burlington), Kaulbach, 708; Messrs. Kaulbach, Power, Macdonald (B.C.), 709; Messrs. Macdonald (B.C.), Bowell, 710; Sir Mackenzie Bowell, 711; Messrs. Bowell, Power, MacInnes (Burlington), Ogilvie, Smith, 712; Messrs. Bowell, Power, 713; Messrs. Bowell, Ogilvie, MacInnes (Burlington), 714; amt. withdrawn and B. read the 2nd time, 714.

In Com. of the W.—On cl. 1: objections, Mr. Power, 716; remarks: Messrs. MacInnes (Burlington), Power, Allan, 716; M. (Mr. Power) that Com. rise, 716; rules of debate, dismissal of temporary clerks, Sir Mackenzie Bowell, 717; Messrs. Allan, Bowell, 717; Messrs. Bowell, Allan, 718. M. declared lost, 718.

Amt. *m.* (Mr. Clemow) that Act shall not come into force until Jany. 1st, next, 718. Amt. agreed to, 718.

B. reported with amt. from the Com. (Mr. Ogilvie) which was concurred in, 718.

3rd R., 718.

Assent, 805.

(58-59 *Vic., cap.* 15.)

(131) Penitentiaries Act Amt.—(*Sir Mackenzie Bowell.*)

1st R.*, 728.

3rd R. *m.* (Sir Mackenzie Bowell), 728; explanation of general principle of B., 728; on uniformity of salaries of officers, Messrs. Power, Kaulbach, 728-9; M. agreed to, 729.

Com. of the W.—On 3rd cl., remarks: Mr. Power, salaries of chaplain and surgeon, 734; M. (Mr. Power) that this cl. be struck out, 735; Messrs. Power, Sullivan, Scott, Clemow, Kaulbach, 735; Messrs. Kaulbach, Bowell, 736; Messrs. Bowell, Power, Clemow, 737; Messrs. Bowell, Dickey, Clemow, Sullivan, 738; Messrs. Clemow, McMillan, Bowell, Sullivan, Power, 739; Messrs. Power, Ferguson, Bowell, 740; Messrs. Power, Bowell, McInnes (B.C.), Sullivan, Bernier, Ferguson, 741; Messrs. McInnes (B.C.), Bowell, 742; Amt. (Mr. Power) lost on a division, 742. On the rights of the Senate, Messrs. Power, Bowell, 742; Messrs. Power, Bowell, 743.

On cl. 7: substitution (Sir Mackenzie Bowell); sections 1, 3 and 6 shall apply only to persons hereafter appointed, etc., 743. Amt. agreed to, 743.

B. reported with an amt. from the Com. (Mr. Dever), which was concurred in, 743.

3rd R. *m.* (Sir Mackenzie Bowell), 744. B. read a third time and passed under a suspension of the rule, 744.

Assent, 805.

(58-59 *Vic., cap.* 42.)

(132) An Act to revive and amend the Act to enable the city of Winnipeg to utilize the Assiniboine River Water Power.—(*Mr. Boulton.*)

Introduced*, 612.

2nd R.*, 622.

3rd R.*, 639.

Assent, 805.

(58-59 *Vic., cap.* 79.)

BILLS—*Continued.*

(134) An Act to legalize payments heretofore made to the general revenue fund of the North-west Territories of certain fines, penalties and forfeitures.—(*Mr. Angers.*)

Introduced*, 557.

2nd R. *m.* (Sir Mackenzie Bowell), 585; object of B. (Sir Mackenzie Bowell) 585-6; M. agreed to, 586.

3rd R.*, 622.

Assent, 805.

(58-59 *Vic., cap.* 32.)

(135) An Act further to amend the Act respecting the North-west Territories.—(*Sir Mackenzie Bowell.*)

1st R.*, 612.

2nd R.*, 612.

In Com. of the W.—On cl. 3: resignation of local members; remarks: Messrs. Power, Bowell, 637. M. (Mr. Power), 637. M. agreed to, 637.

On cl. 2: Amts. *m.* (Mr. Lougheed), explanation of amts. (Mr. Lougheed), 637-8. Amts. adopted, 638.

B. reported with amts. from Com. (Mr. Vidal) which were concurred in, 638.

3rd R. *m.* (Sir Mackenzie Bowell), 639; amt. *m.* (Mr. Lougheed) ratifying Ordinance of the Legislative Assembly of the N.W.T., 639. M. agreed to, 639; B. as amended read 3rd time and passed, 639.

Assent, 805.

(58-59 *Vic., cap.* 31.)

(136) An Act respecting the discharge of a mortgage known as the Markland Mortgage.—(*Sir Mackenzie Bowell.*)

Introduced*, 656.

2nd R. *m.* (Sir Mackenzie Bowell), 678; explanation of B. (Sir Mackenzie Bowell), 678-9. M. agreed to, 679.

In Com. of the W.—Remarks: Messrs. Power, Bowell, 692; Messrs. Power, Bowell, 693. B. reported without Amt. from Com. (Mr. Boulton), 693.

3rd R., 693.

Assent, 805.

(58-59 *Vic., cap.*, 5.)

(140) Customs Act further Amt.—(*Sir Mackenzie Bowell*).

1st R., 721.

2nd R. *m.* (Sir Mackenzie Bowell), 721; object of B. (Sir Mackenzie Bowell), 721-2. Remarks: Messrs. Bowell, McInnes (B.C.), 722; Messrs. Bowell, McInnes, Scott, 723; Messrs. Scott, Power, Bowell, Ogilvie, 724; Messrs. Power, Angers, Bowell, 725, Messrs. Bowell, Kaulbach, Angers, Scott, Reesor, 726; Messrs. Reesor, Smith, Bowell, Power, 727; Messrs. Bowell, Reesor, Dever, 728. M. agreed to, B. read the 2nd time, 728.

B. was then referred to a Com. of the W., and reported without amt., 728.

3rd R., 730.

Assent, 805.

(58-59 *Vic., cap.*, 22.)

(142) An Act to encourage Silver-lead Smelting.—(*Mr. Ferguson.*)

Introduced*, 730.

2nd R. *m.* (Mr. Ferguson), 748; explanation of B.; encouragement of silver-lead smelting, (Mr. Ferguson), 748-9; remarks: Messrs. Ferguson, McInnes, (B.C.), Scott, 749; Messrs. McInnes, (B.C.), Kaulback, 750. M. agreed to, 750.

BILLS—*Continued.*

In Com. of the W.—On Sec. 1; remarks: Messrs. Power, Bowell, Bernier, 750.
3rd R., 750.
Assent, 805.
(58-59 *Vic., cap.* 7.)

(143) An Act further to amend the Act respecting the Senate and House of Commons.—(*Mr. Ferguson.*)
1st R., 730.
M. (Mr. Ferguson) for suspension of 41st rule with respect to this B., 730; objection (Mr. Power), 730. 2nd R., of B. fixed for next sitting, 730.
2nd R. *m.* (Mr. Ferguson), 746; explanation of B.; sessional indemnity, (Mr. Ferguson), 746; remarks: Messrs. Power, Bowell, 746; Messrs. Power, Kaulbach, 747: Mr. Kaulbach, 748. M. rgreed to, 748.
3rd R., 748.
Assent, 805.
(58-59 *Vic., cap.* 9.)

(144) An Act further to amend the Winding Up Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 730.
2nd R. *m.* (Sir Mackenzie Bowell), 744; explanation of B. (Sir Mackenzie Bowell), 744-5. M. agreed to, 745.
3rd R., 745.
Assent, 805.
(58-59 *Vic., cap.* 18.)

(145) An Act to authorize the Treasury Board to exempt certain societies from the operation of the Insurance Act.—(*Sir Mackenzie Bowell.*)
Introduced*, 730.
2nd R. *m.* (Sir Mackenzie Bowell), 745; explanation of B. (Sir Mackenzie Bowell), 745-6. M. agreed to, 746.
3rd R., 746.
Assent, 805.
(58-59 *Vic., cap.* 19).

(146) An Act to amend the Customs Tariff, 1894.
1st R., 760.
2nd R. *m.* (Sir Mackenzie Bowell), 760; explanation of changes in tariff, 760; remarks: Messrs. Dever, Power, Kaulbach, 760; Messrs. Kaulbach, Bowell, Power, 761. M. agreed to, 761.
3rd R., 761.
Assent, 805.
(58-59 *Vic., cap.* 23.)

(147) An Act further to amend the Inland Revenue Act.—(*Sir Mackenzie Bowell.*)
1st R.*, 759.
2nd R. *m.* (Sir Mackenzie Bowell), 759; explanation of B., 759. M. agreed to, 759.
3rd R., 759.
Assent, 805.
(58-59 *Vic., cap.* 25.)

148) An Act respecting the bounty on Beet-root Sugar.—(*Sir Mackenzie Bowell*).
1st R.*, 759.
2nd R.*, 759.
Remarks: Mr. Power, asks for information, 759; reply, (Sir Mackenzie Bowell), explains B., 759-60.
In Com. of the W.—No Amts. 760; B. reported from the Com. without amts. (Mr. Dever), 760.
3rd R. *m.* (Sir Mackenzie Bowell), 768; bounties paid (Sir Mackenzie Bowell), 768. M. agreed to, 768.
Assent, 805.
(58-59 *Vic., cap.* 6).

BILLS—*Concluded.*

(149) An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending 30th June, 1896, and for other purposes relating to the public service.—(*Sir Mackenzie Bowell.*)
1st R.*, 769.
2nd R.*, 769.
3rd R.*, 769.
Assent, 805.
(58-59 *Vic., cap.* 2.)

(150) An Act respecting the Winnipeg Great Northern Ry. Co.—(*Sir Mackenzie Bowell.*)
1st R. *m.* (Sir Mackenzie Bowell), 769; remarks: M. (Mr. MacInnes, Burlington) for three months' hoist, 769; Mr. Scott, 769; Messrs. Scott, Bowell, 770; Messrs. Scott, Bowell, 771; Mr. Scott, 772; Messrs. Scott, Bowell, 773; Messrs. Scott, Bowell, 774; Messrs. Scott, Bowell, McInnes (B.C.), 775; point of order, Messrs. Bowell, Scott, Smith, Ferguson, 776; Messrs. Scott, Bowell, 777; Messrs. Scott, Bowell, 778; Messrs. Bowell, Power, 779; Messrs. Power, Ferguson, 780; Messrs. Power, Bowell, Scott, Smith, 781; Messrs. Smith, Power, 782. After recess: Messrs. Bowell, Scott, Power, 782; Mr. Power, 783; Messrs. Power, Ferguson, 784; Mr. Ferguson, 785-786; Messrs. Ferguson, Clemow, Scott, 787; Messrs. Power, Clemow, Bowell, 788; Messrs. Clemow, Bowell, 788; Messrs. Clemow, Bowell, Scott, Power, Angers, 789; Messrs. Angers, MacInnes (Burlington), 790; Messrs. MacInnes (Burlington), Reesor, 791; Messrs. Reesor, Bowell, 792. Amt. rejected by the following vote (C. 7, N.-C. 11), 792.
M. (Sir Mackenzie Bowell) for suspension of 41st rule, 792; objected to (Mr. Power), 792; remarks: Messrs. Bowell, Power, 792; Messrs. Ferguson, Bowell, 793. Further M. (Sir Mackenzie Bowell) that when the House adjourns to-night it stands adjourned until ten o'clock on Monday morning, 793. M. agreed to, 793.
2nd R. *m.* (Sir Mackenzie Bowell), 793; on point of order, Mr. Power, 793; Messrs. Power, Bowell, Scott, 794; Messrs. Scott, Ferguson, the Speaker, Power, 795; the Speaker, Mr. Power, 796; decision on point of order (the Speâker), 796; Messrs. Bowell, Power, Kaulbach, Angers, the Speaker, Mr. Scott, 796. M. agreed to and B. read the second time, 796.
In Com. of the W.—On 1st cl.; remarks: Mr. Power, 796; Messrs. Power, Kaulbach, Bowell, Scott, 797; Messrs. Scott, Bowell, Power, 798; Messrs. Power, MacInnes (Burlington), Ferguson, 799; Messrs. Ferguson, Power, 800; Messrs. Ferguson, Power, Kaulbach, Power, the Chairman, 801; cl. agreed to on a division, 801.
On 3rd cl.; remarks: Messrs. Power, Bowell, 802; amt. *m.* (Mr. Power), 802; Messrs. Bowell, Power, 802. Amt. lost and cl. agreed to, 802.
Additional cl. amt. (Mr. Ferguson), 802; remarks: Messrs. Power, Ferguson, Scott, 802; Messrs. Power, Bowell, 803; amt. withdrawn, 803.
3rd R. *m.* (Sir Mackenzie Bowell), 803; amt. *m.* (Mr. Scott), 803. Amt. rejected by following vote (C. 6, N.-C. 11), 803. B. was then read the third time and passed, 803.
Assent, 806.
(58-59 *Vic., cap.* 8.)

Blackstone, Sir W., on the Education of Children. *See:*
"Manitoba School Question."

Board of Appraisers, Appointment of. *See:*
"Customs Act Amt."

Boards, Manufactured, Admission of into U.S. *See:*
"Customs Tariff Act Amt."

**Boards of Trade Incorp. Amt. Act; B. (L).** —*Sir Mackenzie Bowell.*

Introduced*, 354.
2nd R. *m.* (Sir Mackenzie Bowell), 377; explanation of B., 377. M. agreed to, 377.
In Com. of the W., 430. B. reported from Com. with Amt. (Mr. Vidal), 430.
3rd R.*, 430.
Assent, 805.
(58-59 *Vic., cap.* 17.)

Board of Trade Returns, British. *See:*
"Rebate on Exports."

Bonuses to Industries.
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Assent, 805.

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Assent, 805.
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Assent, 805.
(58-59 *Vic., cap.* 71.)

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Assent, 805.
(58-59 *Vic., cap.* 46.)

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Assent, 805.
(58-59 *Vic., cap.*, 80).

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Assent, 805.
(58-59 *Vic., cap.* 88.)

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**Chute, Julia Ethel, Divorce B. (I).**—(*Mr. Clemow.*)

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Assent, 805.
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**Civil Service Acts further Amt.; Proceedings in cases of irregularity and fraud practiced at examinations of presons seeking for certificates, B. (E).**—(*Mr. Angers.*)

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Assent, 805.
(58-59 *Vic.*, *cap.* 14.)

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Introduced*, 341.
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Assent, 805.
(58-59 *Vic.*, *cap.* 72.)

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Assent, 805.
(58-59 *Vic., cap.* 3.)

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Assent, 805.
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"Memorials to the founders, etc."

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Assent, 805.
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Corn, duty on. *See:*
"Revenue from Excise and Customs."

Cotton Industry. *See:*
"Tariff and Trade Matters" (generally.)

Craig, Inspector, on condition of schools. *See:*
"Manitoba School Question."

**Criminal Code Act, Amts., 1892; B. (51).**—*Sir Mackenzie Bowell.*
Introduced *, 730.
2nd R. *m.* (Sir Mackenzie Bowell), 753; M. agreed to, 753.
In Com. of the W.—On Sec. 673; remarks: amt. *m.* (Mr. Power) verdict of eleven jurors in four hours, 753; Messrs. Power, Kaulbach, 754; Messrs. Kaulbach, Power, Bowell, Scott, 755; Mr. Scott, 756. Amt. lost, 756.
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3rd R. *m.* (Sir Mackenzie Bowell), 766; remarks: Mr. Power, 766; Messrs. Power, Ferguson, Kaulbach, 767; Messrs. Power, Kaulbach, 768. Amt. *m.* (Mr. Power), 768. Amt. lost on a division, 768. B. read third time and passed, 768.
Assent, 805.
(58-59 *Vic., cap.* 40.)

Criminal Code, 1892.
M. (Mr. Angers) that Messrs. Miller, Dickey, Scott, Gowan, Power, Lougheed, Poirier, Desjardins and Kirchhoffer be appointed to a joint committee of both Houses to report upon B. (51) intituled: "An Act further to amend the Criminal Code, 1892," 271; remarks: establishment precedent of appointing members to a joint committee of both Houses, Messrs. Power, Angers, Gowan, Scott, 271; Messrs. Angers and Powers, 272. M. agreed to, 272.

**Customs Act Amt.; B. (140).**—*Sir Mackenzie Bowell.*
1st R., 721.
2nd R. *m.* (Sir Mackenzie Bowell), 721; object of B. (Sir Mackenzie Bowell), 721-2. Remarks: Messrs. Bowell, McInnes (B.C.), 722; Messrs. Bowell, McInnes, Scott, 723; Messrs. Scott, Power, Bowell, Ogilvie, 724; Messrs. Power, Angers, Bowell, 725, Messrs. Bowell, Kaulbach, Angers, Scott, Reesor, 726; Messrs. Reesor, Smith, Bowell, Power, 727; Messrs. Bowell, Reesor, Dever, 728. M. agreed to, B. read the 2nd time, 728.
B. was then referred to a Com. of the W., and reported without amt., 728.
3rd R., 730.
Assent, 805.
(58-59 *Vic., cap.*, 22.)

Customs, Duties, regulations as to valuation. *See:*
"Customs Act Amt."

Customs Duties on Agricultural Implements.
Inqy. (Mr. Landry), upon what scale of prices do customs officers base themselves in collecting duties on agricultural implements, etc.; have the customs officers received instructions on this subject, etc., 266.
Reply. (Sir Mackenzie Bowell) not considered inquiry yet; general law regulating value of an article for duty, 266; basis on which the duty is collected, 266; instructions to the customs officials, 266-7.

Customs Seizure at Montreal.
Inqy. (Mr. Bellerose), certain books entered at Montreal, whether confiscated, on what date, by what officer, consignee, etc., 145.
Reply. (Sir Mackenzie Bowell) Comptroller of Customs searching for papers. Inqy. postponed, 145.
On resuming inqy. (Mr. Bellerose) questions put seriatum, 200-1.
Reply (Sir Mackenzie Bowell), Customs officials unable to find papers, books, detained at Montreal, date detained and name of officer; consignee; consignee not prosecuted; legal opinion on matter, 200-1.
Remarks: Mr. Bellerose; cannot accept answer; Controller of Customs failed in duty; St. Liguori's theology, 201-2; to Mr. Power the name of the book; distinction between the original and translation; objection; duties of the confessor, 202; description of cover of book; clerical seceders from the Church of Rome, reasons therefor, 203; book brought to notice, 204; part of Liguori's work dealt with in said pamphlet, 204; different from professional book, demoralizing character, 205; Norman Murray's book with extracts, 205; letter from Norman Murray, 206; seizure made by a Protestant, 206; taking up question; matter of duty, 208.
Further remarks: Sir Mackenzie Bowell; to Mr. Bellerose: Mr. Ambrose (customs officer) a Protestant, 206. On Mr. Bellerose's speech: reflectioos cast on customs officials; no distinction made in the importation of books as to language printed in, 207; an instance in point of books imported containing extracts and legality of seizing same, 207-8; Controller of Customs action, 208. To Mr. Masson: unable to give an opinion on book, 208. Mr. Power: to Mr. Bellerose; ques. to which book referring; House not place for theological discussion, 202. On Mr. Bellerose's speech: action taken by Mr. Bellerose tends to advertise 206-7; book comes under provision of criminal law, sec. 179 and 100, 207; customs officials failed in duty, 207; Mr. Kaulbach: on Mr. Bellerose's speech: criminal law does not cover case; giving publicity to book, 206. Mr. Masson: To Sir Mackenzie Bowell; testing the legality of the matter, 208.
Further Inqy.: (Mr. Bellerose) whether it is the intention of the govt. to introduce, during the present session of Parliament, an Act to amend The Customs Tariff, 1894, so as to interpret Item No. 779 of Schedule C thereof, which has for its object the prohibition of the entry into this country of books, etc., of an indecent and immoral character, etc. Whether it is the intention of the govt. to prosecute Norman Murray for selling a certain obscene book, 273. Remarks: Mr. Bellerose, forced to put further questions; the Premier's views quoted; cannot agree with them; wording of the Customs Act; how the law should be applied, 273; Folkard's Law of Slander and Libel, 274; cases in point, 274-5; make it a test case, 275; Mr. McCallum, remarks: Mr. Bellerose says it is immoral, 275; Messrs. Bellerose and McCallum, as to the character of the book, etc., 276; Mr. Bellerose, St. Liguori's book and the contents of certain part, also meaning of words used in connection with same, 276; Norman Murray's letter, with comments on it, 277; May's book on Parliamentary practices with instances of consequences of reflections on members, 277; Criminal Code on the subject, 277. Reply (Sir Mackenzie Bowell), not necessary for govt. to introduce any amt. giving measure greater interpretation until construction intended to be placed on it is found to

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**Customs Tariff Act Amt. B. (146).**
2nd R. *m.* (Sir Mackenzie Bowell), 760; explanation of changes in tariff, 760; remarks: Messrs. Dever, Power, Kaulbach, 760; Messrs. Kaulbach, Bowell, Power, 761. M. agreed to, 761.
3rd R., 761.
Assent, 805.
(58-59 *Vic., cap.* 23.)

Customs, Indian, eradication of. *See:*
"Indian Act Amt. B."

Dairy, produce in England, consumption of. *See:*
"Tariff and Trade matters" (generally).

Dairies, travelling. *See:*
"Experimental Farms in the North-west."

Davies, L. H., remarks of. *See:*
"Railway communication in P.E.I."

Davie, Chief Justice, appointment of, etc. *See:*
"British Columbia Penitentiary."

Deaths. *See:*
Thompson, Late Hon. Sir John.
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Burns, Late Hon. K. F.

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"Intercolonial Conference."

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"Tariff and Trade matters."

**Deschenes Bridge Co. Incorp. Act, B. (30).**—*Mr. McLaren.*
Introduced*, 130.
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3rd R. *m.* (Mr. McCallum), 248; remarks: Messrs. Power, McCallum, 248; Messrs. Scott and McCallum, 249; Messrs. Scott, Angers, Vidal, 250. M. agreed to, 250.
Assent, 805.
(58-59 *Vic., cap.*, 73.)

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Dewdney, Lt.-Gov., appointment of. *See:*
"British Columbia, representation of in Cabinet."

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"Revenue from Excise and Customs."

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Docks, building of. *See:*
"James Maclaren Co.'s B."

**Domestic and Foreign Missionary Society of the Church of England in Canada, incorp. Act, B. (101).**—*Mr. Allan.*
Introduced*, 331.
2nd R. *m.* (Mr. Allan), 375. Explanation, 375. M. agreed to, 375.
3rd R.*, 430.
Assent, 805.
(58-59 *Vic., cap.* 94.)

**Dominion Atlantic Ry. Co.'s B. (48).**—*Mr. Power.*
1st R., 375. Mr. Power, explanation of B., 375.
M. (Mr. Power) that rules 40 and 60 be dispensed with as regards this B., reason given, 376. M. agreed to, 376.
2nd R., M. (Mr. Power), 376. M. agreed to, 376.
M. (Mr. Power) for concurrence in amts. made by the Standing Com. on Railways, etc., 380. M. agreed to, 380.
3rd R. M. (Mr. Powers), 380. Amt. M. (Mr. McClelan), 380. Remarks: Mr. McKay; 380; Messrs. Power, McKay, Dickey, 381; Messrs. Dickey, Almon, Ogilvie, 382; Messrs. Ogilvie, Kaulbach, McKay, Power, 383; Messrs. Power, Sir Mackenzie Bowell, 385; Sir Mackenzie Bowell, 385. Amt. lost on a division, 385. B. read 3rd time and passed, 385.
Assent, 805.
(58-59 *Vic., cap.* 47.)

**Dominion of Canada Trust Co.'s B. (100)**—*Mr. Clemow.*
1st R., 730.
M. (Mr. Clemow) for suspension of 41st rule, 730. M. agreed to, 730.
2nd R. *m.* (Mr. Clemow), 731; remarks: Mr. McInnes (Burlington) on name of company, 731. M. agreed to, 731.
3rd R.*, 744.
Assent, 805.
(58-59 *Vic., cap.* 84.)

**Dominion Elections Act Amt. B. (68).**—*Sir Mackenzie Bowell.*
Introduced*, 656.
2nd R. *m.* (Sir Mackenzie Bowell), 679; explanation of B. (Sir Mackenzie Bowell), 679. M. agreed to, 679.
In Com. of the W.: Explanation, (Sir Mackenzie Bowell), 693: B. reported without amt. from the Com. (Mr. Dever), 693.
3rd R., 693.
Assent, 805.
(58-59 *Vic., cap.* 13.)

**Dominion Lands Amt. Act, B. (116).**—*Sir Mackenzie Bowell.*
Referred to in Speech from the Throne, 4. In *m.* the address in reply, 5.
Introduced*, 449.
2nd R. *m.* (Sir Mackenzie Bowell) 487. Explanation of B., 487. M. agreed to, 487.
In Com. of the W.—Amt. *m.* (Sir Mackenzie Bowell), 498; remarks: Messrs. Scott, Bowell, Power, Almon, 498. Amt. agreed to, 498.
Additional cl. (Sir Mackenzie Bowell), 498; remarks: Messrs. Scott, Bowell, 498-9.
B. reported from Com. with amts. (Mr. Vidal), which were concurred in, 499.
M. (Sir Mackenzie Bowell) for concurrence in amts. made in Com. of the W., 538. M. agreed to, 538.
3rd R. *m.* (Sir Mackenzie Bowell), 538. M. agreed to, 538.
Assent, 805.
(58-59 *Vic., cap.* 34.)

**Dominion Notes Amt. Act; B. (22).**—*Sir Mackenzie Bowell.*
Reference to in Speech from the Throne, 4; in address in reply, 5.
Introduced*, 376.
2nd R. *m.* (Sir Mackenzie Bowell), 386; explanation of B., 386; ques. (Mr. Scott) as to

**Dominion Notes Amt. Act ; B. (22)—*Con.***

reserve in any issue in excess of twenty million dollars, 386 ; Sir Mackenzie Bowell, issue not restricted, but security dollar for dollar must be provided, 386.

B. passed through Com. of the W., read the 3rd time and passed under a suspension of the rule, 386.

Assent, 805.

(58 59 *Vict., cap.* 16.)

Drake, Mr. Justice. *See :*
"New Westminster Penitentiary."

Drawbacks. *See :*
"Rebate on Exports."

Dunning, Mr., evidence of. *See :*
"Fisheries Amt. Act ; B. (67)."

Duties, regulation of. *See :*
"Customs Act Amt."

Duties. *See :*
"Tariff and Trade matters."

Earnings of farmers. *See :*
"Experimental Farms in the North-west."

**Eastern Assurance Society's B. (83).—*Mr. Power.***

1st R., 330, *m.* (Mr. Power) that 41st rule of the Senate be suspended as regards this B.; explanation, 331. M. agreed to, 331.

2nd R. *m.* (Mr. Power), 331. M. agreed to and referred to Com. on Banking and Commerce, 331.

3rd R.*, 376.

Assent, 805.

(58-59 *Vic., cap.* 81.)

Education, Act respecting Department of. *See :*
"Manitoba Schools Question."

Education, Minister of, report. *See :*
"Manitoba School Question."

Educational matters. *See :*
"Manitoba School Question."

Elections Act Amt. *See :*
"Dominion Elections Act."

Elections, General.

Reference to, in debate on Address in reply to Speech from the Throne (Mr. Scott), 11.

Elections, By.

Reference to : Sir Mackenzie Bowell, 20 ; Mr. Kaulbach, 62 ; Mr. Power, 53.

Electricity, working and disposing of. *See :*
"James Maclaren Co.'s B."

Embargo on Canadian cattle removed. *See :*
"Montreal Harbour."

Empire, Toronto, on publication of school text books. *See :*
"Manitoba School question."

England, Civil Service system. *See :*
"Civil Service Act Amt."

——— Foreign competition in. *See :*
"Tariff and Trade matters" (generally.)

——— insolvency system. *See :*
"Insolvency Act."

——— taxation system. *See :*
"Tariff and Trade matters" (generally.)

Esquimalt and Nanaimo Ry. Subsidy.

Inqy. (Mr. McInnes) : has Mr. James Dunsmur of Victoria, B.C., President, or any one else on behalf of said railway company applied for the usual railway subsidy of $3,200 per mile to assist in extending their road from Wellington to Comox ? If so, is it the intention of the Government to grant the application, 136.

Reply (Sir Mackenzie Bowell) : Mr. Dunsmur has made application for a subsidy of $3,200 per mile. Government does not contemplate granting any cash subsidies to railways this session, 136.

Estes, Dana, views of. *See :*
"Copyright Law."

Ewart, Lawyer, on the School Question. *See :*
"Manitoba School Question."

Examination, Civil Service. *See :*
"Civil Service Act Amt."

Excise. *See* "Inland Revenue." Also "Tariff and Trade matters" (generally.)
*See also* "Revenue from Excise and Customs."

Experimental Farms in the North-west.

Inqy. (Mr. Wark), calls attention to the unprofitable system of cultivating the soil so prevalent over much of this continent, and asks the government whether the Experimental Farms especially in the North-west might not be advantageously used in introducing valuable improvements in the system, 450-2.

Remarks : Messrs. Miller, Wark, 451; Messrs. Wark, McMillan, Angers, 452; Mr. Angers, 453 ; Messrs. Boulton, McCallum, Perley, 454 ; Messrs. Perley, Power, 455 ; Messrs. Power, Angers, 456. Reply Mr. Angers, 453.

Exports. *See :*
"Tariff and Trade matters."
*See* also "Rebate on Exports."

Failures. *See :*
"Tariff and Trade matters" (generally).

**Falding, Mary Bradshaw, Divorce B. (C). —*Mr. Clemow.***

Report of Divorce Com. presented (Mr. Lougheed reporting personal service and *m.* that Report be adopted, 113. M. agreed to, 113.

1st R.*, 114.

2nd R.*, 131.

3rd R. *m.* (Mr. Clemow), 220 ; M. agreed to, 220.

Assent, 805.

(58-59 *Vic., cap.* 96 )

Farm property, value of. *See :*
"Tariff and Trade matters" (generally).

Farming population, decrease of. *See :*
"Tariff and Trade matters" (generally).

Farming, modern methods. *See :*
"Experimental Farms in the North-west."

Favoured Nations Treaty. *See :*
"French Treaty."

**Female Offenders Amt. Act ; B. (J).—*Mr. Power.***

Introduced*, 247.

2nd R. *m.* (Mr. Power), 280. Explanation of B., 280-1 ; remarks : Messrs. Macdonald, B.C., Kaulbach, Power, Allan, 281 ; Messrs. Kaulbach, Power, Almon, 282. M. agreed to, 282.

House resolved into Com. of W. on B., 314.

**Female Offenders Amt. Act ; B. (J)**—*Con.*

B. reported from Com. of W. with Amts. (Mr. Vidal) which were concurred in, 314.
3rd R.*, 329.
Assent, 805.
(58-59 *Vic., cap.* 43.)

Fertilization of the soil. *See :*
"Experimental Farms in the North-west."

Fiscal Policy. *See :*
"Tariff and Trade matters."

**Fisheries Amt. Act ; B. (67)**—*Mr. Angers.*

Introduced*, 314.
On objection (Mr. Power) to M. (Mr. Angers) for 2nd R. to be allowed without any discussion at present ; Mr. Angers *m.* for 2nd R. to-morrow, 430. Remarks : Messrs. Power, Angers and Scott, 430. M. agreed to, 430.
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Assent, 805.
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Assent, 805.
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Assent, 805.
(58-59 *Vic., cap.* 48.)

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Assent, 805.
(58-59 *Vic., cap.* 50.)

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Introduced*, 612.
2nd R. *m.* (Sir Mackenzie Bowell), 637; remarks: Messrs. Scott, Bowell, 637. M. agreed to, 637.
In Com. of the W.—Salaries paid to two Montreal judges, Messrs. Bowell, Kaulbach, Lougheed, 643. B. reported without amts. (Mr. MacInnes, Burlington), from com., 643.
3rd R.*, 643.
Assent, 805.
(58-59 *Vic., cap.* 38.)

Judges. Superannuation. *See:*
"Superannuation of Judges of Provincial Courts."

Juries. *See:*
"Criminal Code Amt."

Justices of the Peace, ex-officio. *See:*
"Indian Act Amt. B."

Keary, William, dismissal and reappointment of. *See:* "British Columbia Penitentiary."

Keefer, T. C., evidence of. *See:*
"Fisheries Act Amt., B. (67)."

Kelly, Inspector, on Ontario School system. *See:*
"Manitoba School Question."

Kennedy Bros., letter of. *See:*
"British Columbia Penitentiary."

Kent, Chancellor, on the education of Children. *See:*
"Manitoba School Queston."

Kerosene oil, wholesale price of. *See:*
"Tariff and Trade matters" (generally).

**Kingston and Pembroke Ry. Co.'s Act; B. (82).**—*Mr. Perley.*
Introduced*, 612.
3rd R.*, 678.
Assent, 805.
(58-59 *Vic., cap.* 51.)

Kingston Penitentiary, reference to. *See:*
"British Columbia Penitentiary."

Kootenay mining district. *See:*
"British Columbia, representation in the Cabinet."

La Blanche River, depth of water. *See:*
"Fisheries Amt. Act, B. (67)."

Labelling goods. *See:*
"Lobster Fishery Act Amt."

**Lake Manitoba and Canal Act Amt., B. (75).**—*Mr. Clemow.*
1st R.*, 733.
2nd R.*, 733.
3rd R.*, 744.
Assent, 805.
(58-59 *Vic., cap.* 52.)

Lake Traffic. *See:*
"Transportation on the Great Lakes."

Lands, leasing Indian. *See:*
"Indian Act Amt. B."

Lang, Inspector, report on Schools. *See:*
"Manitoba Schools Question."

Langelier, François, declarations of. *See:*
"Baie des Chaleurs Scandal."

**Langenburg and Southern Ry. Co. Incorp. Act, B. (55).**—*Mr. Lougheed.*
Introduced*, 268.
2nd R. *n.* (Mr. Lougheed), 272; remarks: Messrs. Power and Lougheed, 272; M. agreed to, 272.
3rd R. *m.* (Mr. Lougheed), 296; remarks: Mr. Power, on the report of the Com., 296-7; history of the construction of the road, etc., (Mr. Power) 297; Messrs. Power, Kaulbach, 298; Messrs. Kaulbach, McCallum, Bellerose, 299; Messrs. Bellerose, Drummond, 300; Messrs. Drummond, Power, Vidal, 301; Mr. Vidal, 302; Messrs. Vidal, Kaulbach, 303; Messrs. Vidal, McMillan, Ogilvie, Scott, 304; Messrs. Scott, Power, Boulton, 305; Mr. Boulton, 306; Messrs. Boulton, Scott, Lougheed, 307; Messrs. Lougheed, Power, 308; Mr. Lougheed, 309; Messrs. Lougheed, Macdonald (B.C.), McCallum, McClelan, 310; Messrs. McClelan, Allan, 311; Mr. Allan, 312. M. agreed to on following vote (C., 41; N.-C., 10), 312.
Assent, 805.
(58-59 *Vic., cap.* 53.

**Legalization of Payments in the North-west Territories, B. (134).**—*Mr. Angers.*
Introduced*, 557.
2nd R. *m.* (Sir Mackenzie Bowell), 585; object of B. (Sir Mackenzie Bowell) 585-6; M. agreed to, 586.
3rd R.*, 622.
Assent, 805.
(58-59 *Vic., cap.* 32.)

Leo XIII. on education. *See:*
"Manitoba School Question."

Lett, Mr., evidence of. *See:*
"Fisheries Amt. Act; B. (67)."

Liberal Party, remarks on the.
In the debate on the Address. Remarks: Sir Mackenzie Bowell, 22; Mr. Ferguson, 99; Mr. Kaulbach, 68.

Liberal Policy, the. *See:*
"Tariff and Trade matters."

Library, Joint Committee on.
Adoption of Report of Com. of Selection for appointment of, *m.* (Sir Mackenzie Bowell, and agreed to *, 108.
Report presented (Mr. Allan), 642. Adoption *m.* (Mr. Allan) with remarks on purchase of native literature for distribution to Canadian universities and for foreign exchange, result of which is a depletion of funds; sub-com. thinks that the grant is not large enough to justify the purchase of books for the purpose of encouraging native literature, etc., 642. M. agreed to, 642.

Liguori's theology. *See:*
"Customs seizure at Montreal."

**Lindsay, Haliburton and Mattawa Ry. Co., B. (80).**—*Mr. Dobson.*
Introduced*, 268.
2nd R*, 272.
M. (Mr. Clemow) for concurrence in the amts., made by the Standing Com. on Railways, etc., 377. Remarks, on drainage, Mr. Scott, 378; Mr. McCallum, 379; Messrs. Miller, Scott, Vidal, 380. M. agreed to, 380.
3rd R., 380.
Assent, 805.
(58-59 *Vic., cap.* 54.)

Literature, native. *See:*
"Library, Joint Committee."

——— obscene. *See:*
"Customs Seizure at Montreal."

——— piracy and degeneracy. *See:*
"Copyright Law."

Loan Companies, etc., in Ontario. *See:*
"Experimental Farms in the North-west."

**Lobster Fishery Act Amt.; B, (91).**—*Sir Mackenzie Bowell.*
Introduced*, 577.
2nd R. *m.* (Sir Mackenzie Bowell), 577; explanation of B., 577-8; remarks: Mr. Power,

**Lobster Fishery Act Amt.**—*Continued.*

578; Messrs. Power, Kaulbach, Prowse, 579; Messrs. Prowse, Scott, Power, 580; Messrs. Power, Almon, Kaulbach, 581; Messrs. Kaulbach, Prowse, 582; Messrs. Ferguson (P.E.I.), Macfarlane, Prowse, Kaulbach, 583; Messrs. Macfarlane, Arsenault, 584; Mr. Macdonald (P.E.I.), 585. M. agreed to. 585.

In Com. of the W.—Remarks: repeal of sec. 3, *re* marking with labels, packing, etc., Messrs. Power, Bowell, 612; Messrs. Power, Kaulbach, 613; license fee, Messrs. Prowse, Kaulbach, 613; Messrs. Power, Kaulbach, Snowball, Bowell, 614; Messrs. Bowell, Kaulbach, Lougheed, 615; Messrs. Kaulbach, Prowse, Snowball, Bowell, Power, Arsenault, 616; Messrs. Power, Bowell, 617. Cl. allowed to stand, 617.

On subsection 3: stamping with the year canned; Messrs. Scott, Bowell, Snowball, 617; Messrs. Snowball, Power, Kaulbach, Prowse, 618; Messrs. Prowse, Snowball, Bowell, Scott, Smith, 619; Messrs. Scott, Smith, Power, Snowball, 620; Messrs. Snowball, Power, Arsenault, 621. Amt. *m.* (Mr. Power), 621; remarks: Messrs. Power, Bowell 622. Amt. lost, 622. Mr. Lougheed from the com. reported progress and asked leave to sit again, 622.

In Com. of the W., resumed, 638. Remarks: Messrs. Bowell, Power, Macdonald (P.E.I.), 638.

B. reported with amts. from Com. (Mr. Lougheed) which were concurred in, 638.

3rd R. *m.* (Sir Mackenzie Bowell), 640; amt. *m.* (Mr. Power) stamping with name and year, 640; remarks: Messrs. Macdonald (B.C.), Arsenault, Kaulbach, 640; Messrs. Kaulbach, Bowell, Reesor, Smith, Power, 641. Division on amt. which was lost (C. 9, N.-C. 38), 641-2. B. read 3rd time and passed, 642.

Assent, 805.
(58-59 *Vic., cap.* 28.)

London "Statist," offer to authors. *See:*
"Copyright Law."

Longfellow, on international copyright. *See:*
"Copyright Law."

Louisbourg, monument proposed at. *See:*
"Monument, proposed."
*See also* "Ordnance Lands in Nova Scotia and Cape Breton."

Lowell, on international copyright. *See:*
"Copyright Law."

Lowery Divorce Case. *See:*
"Divorce Committee."

Lumber, manufacture of. *See:*
"The James Maclaren Co.'s B."

Lumber, reciprocity in tariff. *See:*
"Customs Tariff Act Amt."

Lumbering industry, vested interests, etc. *See:*
"Fisheries Act Amt.; B. (67)."

Luxembourg, schools in. *See:*
"Manitoba School Question."

McBride, Arthur, Reappointment of. *See:*
"British Columbia Penitentiary."

McCreight, Justice, Evidence of. *See:*
"British Columbia Penitentiary."

McGee, D'Arcy, on the Rights of Minorities. *See:*
"Manitoba School Question."

McGee, Mr. J. J., on the Civil Service System. *See:*
"Civil Service Act Amt."

McInnes, Thomas, late Steward B. C. Penitentiary. *See:*
"Privilege, Question of."

Macdonald, Hugh J., on School Question. *See:*
"Manitoba School Question."

Macdonald, Sir John, Monument to. *See:*
"Memorials to the founders of Confederation."

Mack, Rev. Chas., Testimony of. *See:*
"Insurance on lives of children."

**Maclaren Co., James, Ltd., Incorp. Act; B. (29).**—*Mr. McLaren.*

Introduced*, 131.
2nd R.*, 145.
B. reported from Com. (Mr. Allan) with Amts., explains B. and suggests be taken into consideration to-morrow, 200.
M. (Mr. McCallum) amts., be taken into consideration to-morrow, 200. M. agreed to, 200.
M. (Mr. McCallum) for concurrence in Amts. made by Com. on Banking and Commerce, 231; M. agreed to, 231.
3rd R.*, 231.
Assent, 805.
(58-59 *Vic., cap.*, 90).

Mail and Empire, Extract from. *See:*
"Commercial Treaties Act."

Manitoba.

In Address from the Throne; visit of His Ex., 4.
In Address in reply (Mr. Primrose), 5. In *m.* the Address, 8.
In the debate; Mr. Boulton, 47; Mr. Power, 58; Mr. Scott, 15.

——— Bankruptcy Law. *See:*
"Insolvency Act."
*See also*, "Hudson Bay Ry. subsidy."

**Manitoba and North-west Loan Co., Ltd. Act; B. (53).**—*Mr. Boulton.*

Introduced *, 268.
2nd R.*, 280.
3rd R.*, 376.
Assent, 805.
(58-59 *Vic., cap.* 86.)

Manitoba and North-west Ry. *See:*
"Langenburgh and Southern Ry. Co. Incorp. Act."

**Manitoba Road Allowance Act Amt.; B. (114).**—*Sir Mackenzie Bowell.*

Introduced*, 656.
2nd R. *m.* (Sir Mackenzie Bowell), 679; explanation (Sir Mackenzie Bowell), 679. M. agreed to, 679.
In Com. of the W.—Explanation of B. (Sir Mackenzie Bowell), 693; remarks: Messrs. Power, Bowell, 694. B. reported without Amt. from Com. (Mr. Macdonald, P.E.I.), 694.
3rd R., 694.
Assent, 805.
(58-59 *Vic., cap.* 30.)

Manitoba School Question.
In Speech from the Throne, 3. In Address in reply, 4. In *m.* Address in reply (Mr. Primrose), 7; in debate on Address: Mr. Armand, 88; Mr. Bernier, 76-81, 83-8; Mr. Boulton, 51; Sir Mackenzie Bowell, 18-21; Mr. Ferguson, 89-93; Mr. Kaulbach, 66-75; Mr. Macdonald (B.C.), 60; Mr. Power, 51; Mr. Scott, 12-14.
Message presented (Sir Mackenzie Bowell) from His Ex. transmitting the report of the proceedings of the Judicial Committee of the Privy Council prepared by the appellant's solicitor in London. Message read in English, 129. (Mr. Bellerose) calls attention to the fact that it is customary to read messages from Governor General in French as well as English, 129-30; message read in French, 130.
M. (Mr. Bernier) for a return of representations if any, made by the Government of Manitoba, etc., to the Dominion Government, on the working of the educational system in force in Manitoba prior to the 1st of May, 1890, 391. Remarks: Mr. Bernier, representations made by Manitoba Govt. 391; the manner in which the Act of May, 1890, came into force, 392; utterances of Hugh J. Macdonald, 392; extract from the Morden "Monitor," 392; further remarks setting forth case of Roman Catholic minority, 393-429; Mr. Angers, no objection to granting of address *m.*, 429; if any such documents, will be brought down as soon as possible, 429; thanks Mr. Bernier for valuable information, 429 30. M. agreed to, 430.
Inqy. (Mr. Boulton), if it is the intention of the government to appoint a Royal Commission to inquire into the nature of the arrangement entered into between the Dominion Government and the delegates invited to confer with the government prior to the passage of the Manitoba Act, in 1890? On whose behalf the delegates were acting? And from what source they derived their authority?, 431. Remarks: Mr. Boulton, circumstances have arisen since notice was given, which render it necessary to put question at present time, 431-2. Inqy. dropped, 432.
M. (Mr. Bernier) for copies of all correspondence and telegrams that have passed between the government and the Archbishop of Rupert's Land, etc., 456; on the privileges of Catholics over other sections of the population prior to 1890, Mr. Bernier, 456-64; no objection to bringing down papers (Sir Mackenzie Bowell), 464. M. agreed to, 464.
M. (Mr. Bernier) for copy of the Order in Council transmitting to the Lt.-Governor of Manitoba, the petition and representations of the Canadian Archbishops and Bishops presented to the Senate last session; the answer of the govt. of Manitoba to said Order in Council; also all correspondence respecting same, etc., 499-500; on the terms of the remedial order; petition of the Catholics of Manitoba; taxation, etc., (Mr. Bernier), 500-1. M. agreed to, 501.
Inqy. (Mr. Scott), any legislation this session with regard to matter, 577.
Reply (Sir Mackenzie Bowell), be enabled to give definite information on Monday, 577.
Further Inqy. (Mr. Scott), as to the policy that the government proposes to pursue, 586.
Reply (Sir Mackenzie Bowell), government decided not to ask Parliament to deal with remedial legislation this session; Manitoba will be communicated with at once; session next January, 568-87.
Further Inqy. (Mr. Scott), in regard to rumoured resignation, 622. Reply (Sir Mackenzie Bowell), not in a position at present to answer; hope to be able to do so shortly, 622.

Manitoba School Question—*Continued.*
Further Inqy. (Mr. Scott) asks explanation of outside rumovrs *re* resignation (Mr. Angers); practice of British Parliament, etc., when crisis arises to take both Houses into confidence of government, 639. Reply, (Sir Mackenzie Bowell), correct as to Parliamentary practice, etc.; not yet in a position to give answer; promise to do so tomorrow at three o'clock, 639.
Inqy. (Mr. Scott), reminds Premier of promise made that he would make announcement in regard to rumoured resignations, 656.
Reply (Sir Mackenzie Bowell), the hon. Minister of Public Works and Postmaster General consent to remain in the Government on the assurance that should Manitoba refuse to grant legislation restoring to the minority of Manitoba the rights of which they were deprived, etc., that remedial legislation will be introduced; Minister of Agriculture asks for remedial legislation at once and refuses to re-enter Cabinet unless the Government concede, 657-8. Remarks: Mr. Angers, explains stand taken, 658-663; Messrs. Smith, Bellerose, Angers, Bowell, 663; Messrs. Kaulbach, Angers, Smith, 664; Messrs. Angers, Smith, 665; Messrs. Smith, McMillan, 666; Messrs. Smith, McCallum, O'Donohoe, 667; Messrs. Smith, O'Donohoe, Bowell, Angers, 668; Sir Mackenzie Bowell, 669; Messrs. Bowell, Masson, 670; Sir Mackenzie Bowell, 671; Messrs. Bowell, Bernier, 672; Messrs. McMillan, Bowell, 673. After recess; Sir Mackenzie Bowell, 673; Messrs. Bowell, Angers, DeBoucherville, 674; Sir Mackenzie Bowell, 675; Messrs. Power, Bowell, McInnes, (B.C.), 676; Messrs. Bernier, Bowell, Landry, Boulton, McKay, 677; Messrs. Masson, Bowell, Bernier, 678.
On M. (Sir Mackenzie Bowell) for adjournment of House, 758; remarks: Mr. Bernier, rights of the minority, 758; lawfulness of claims, 758; justice promised by the govt., 758; on immediate action, 758-9. M. agreed to, 759.
On M. (Sir Mackenzie Bowell) for adjournment, 803; remarks: Mr. Power, views laid down in a leading Toronto Liberal paper not the views of the Liberal party, 803-4, on the action of the govt., 804; Mr. Kaulbach, on the action of the govt., pronouncements of the "Globe," 804; no attitude taken by the leader of the Opposition, 804-5.

Manitoba and South-eastern Ry. Co. B, (50).—*Mr. Bernier.*
Introduced*, 130.
2nd R.*, 145.
3rd R.*, 166.
Assent, 805.
(58-59 *Vic., cap.* 55.)

Manchester Canal, cost of. *See:*
"Transportation on the Great Lakes."
Manufacturers bounties. *See:*
"Tariff and Trade matters" (generally).
——— duties paid by, &c. *See:*
"Tariff and Trade matters" (generally).
——— wages paid by. *See:*
"Tariff and Trade matters" (generally).
——— profits of the. *See:*
"Tariff and Trade matters" (generally).
Maritime Provinces, His Ex.'s visit to.
In speech from the Throne, 4.
In address in reply, 5. In moving address (Mr. Primrose), 8.
——— importations of. *See:*
"British Columbia, representation in Cabinet."

**Markland Mortgage Act; B. (136).**—*Sir Mackenzie Bowell.*
Introduced*, 656.
2nd R. *m.* (Sir Mackenzie Bowell), 678; explanation of B. (Sir Mackenzie Bowell), 678-9. M. agreed to, 679.
In Com. of the W.—Remarks: Messrs. Power, Bowell, 692; Messrs. Power, Bowell, 693. B. reported without Amt. from Com. (Mr. Boulton), 693.
3rd R., 693.
Assent, 805.
(58-59 *Vic., cap.*, 5.)

Massey, manufacturing co. *See:*
"Agricultural implements."
*See also* "Rebate on Exports."

Mather, John, evidence of. *See:*
"Fisheries Act Amt.; B. (67)."

May's Book on Parliamentary Practices. *See:*
"Customs Seizure at Montreal."

Memorials to the Founders of Confederation.
Inqy. (Mr. Bellerose), whether it is the intention of the govt. to erect monuments in the Parliament grounds on the death of each of the founders of confederation, 633. Remarks: history of confederation, Mr. Bellerose, 633-4; advocates erection of monuments to each delegate to Quebec conference, 634-5; Messrs. Kaulbach, McCallum, Bellerose, Almon, 635; Mr. Almon, 636.
Reply (Sir Mackenzie Bowell), suggests one grand statute, 636; on the action of some of the delegates, 636.

Merchants Life Association B. *See:*
"Bankers' Life Association, B. (26)."

Metropolitan Life Insurance Co. *See:*
"Insurance of Lives of Children."

Militia Rifle Range. *See:*
"British Columbia Militia Rifle Range."

Mill, John Stuart, on education of the people. *See:*
"Manitoba School Question."

Mills, cost of improvement. *See:*
"Fisheries Act Amt., B. (67)."

—— shut down. *See:*
"Rebate on Exports."

Mill owners, destroying refuse, ignoring the law, etc. *See:*
"Fisheries Amt. Act, B. (67)."

Mill refuse. *See:*
"Fisheries Amt. Act, B (67)."

Mining Industry. *See:*
"Traffic and Trade matters" (generally).

Mining license, revenue for. *See:*
"British Columbia Railway Belt Lands."

Ministerial Changes.
Inqy. (Mr. Power) on recent changes in administration, 103; reply: Sir Mackenzie Bowell acquaints House with facts, 103-4.
*See also* "Vacancy in the Cabinet."

Minority, rights of. *See:*
"Manitoba School Question."

Mitchell, Inspector of Lanark, Ontario Schools. *See:*
"Manitoba School Question."

Montreal Board of Trade, petition. *See:*
"Customs Act Amt."

Montreal "Gazette," quoted as an authority.
In the debate on the address: Mr. Power, 54.

—— erroneous report in.
Report of remarks *re* Great Northern Ry. Corrections made (Mr. Boulton) 185.

—— on the good effect of religion. *See:*
"Manitoba School Question."

—— extract from. *See:*
"Montreal Harbour Commissioners."

Montreal Harbour Commission.
M. (Mr. Desjardins) for copy of all memorials, petitions, representations and correspondence concerning finances, cost of works in progress or proposed for enlargement of Montreal harbour, etc. Remarks: Mr. Desjardins; Harbour Commissioners, petition for aid; aim of the Commissioners; conflict of opinion regarding harbour extension; facilities for handling traffic lacking; the harbour contracted, 198; (Sir Mackenzie Bowell), no objection to bringing down papers; everything possible should be done to increase facilities of harbour; extending the harbour eastward, 199. M. agreed to, 199.
Inqy. (Mr. Desjardins) when documents *m.* for will be brought down, 353.
Reply (Sir Mackenzie Bowell), not inquired about it, notice sent over to the department which has them in preparation, etc., 354.
Further Inqy. (Mr. Desjardins), quotation from Montreal *Gazette*, and *re* documents asked for, 574.
Reply (Sir Mackenzie Bowell) will try to hurry up papers, 574-5.
Further Inqy. (Mr. Desjardins), calls attention to fact that documents laid on table are not complete; document missing, 729.
Inqy. (Mr. Desjardins) removal of embargo from Canadian cattle by Belgian Govt., 729-30.
Reply. (Sir Mackenzie Bowell), have had information on subject; cable from Sir Charles Tupper, 730; reason to believe no such disease in Canada, 730.

Monument, proposed, at Louisbourg.
Inqy. (Mr. Poirier): Is the Government aware that the "Massachusetts Society of Colonial Wars" is about to erect a monument at Louisbourg, Cape Breton, commemorative of the taking of that place in 1745? What inscription is this monument to bear? Does the site of the old fortress at Louisbourg belong to the Dominion Government? If not to whom does it belong? 136. Remarks: (Mr. Poirier) unpleasant feeling stirred up in the Maritime Provinces among the French Canadians; newspaper comments; historical facts of the case, 136-7-8.
Reply (Sir Mackenzie Bowell): scheme for the erection of monument originated with historical society formed in Boston, of which Canadian Government has no knowledge nor was consent asked. Government has no knowledge of inscription to be placed on monument. The Department of Militia and Defence has no property at Louisbourg nor has it any knowledge to whom the property belongs upon which the proposed monument is to be erected, 138-9.
*See* also, "Ordnance lands in Nova Scotia and Cape Breton."

Morden "Monitor," on the School Question. *See:*
"Manitoba School Question."

Morgan, Father, Letter of. *See:*
"British Columbia Penitentiary."

Morgan, H. J., Superannuation of. *See:*
"Civil Service Superannuation."

Morrison, Mr., on Separate Schools. *See:*
"Manitoba School Question."

Morton, Canadian Supt., on Quebec's School Exhibit. *See:*
"Manitoba School Question."

Mortgages. *See:*
"Markland Mortgage B."

Mosly, Warden, Appointment of. *See:*
"British Columbia Penitentiary."

Moylan, J. G., Letter in Ottawa Citizen. *See:*
"Privilege, Question of."

Murray, Norman, Letter and Pamphlet. *See:*
"Customs Seizure at Montreal."

Music, Seizure of. *See:*
"Copyright Law."

Nails and Tacks, Manufactures of. *See:*
"Tariff and Trade Matters."

National Policy, The. *See:*
"Tariff and Trade Matters" (generally).
*See also*, "Rebate on Exports."
*See also*, "Railway Communication in P.E.I."

Navigation, Impeded. *See:*
"Fisheries Act Amt.; B. (67).

Necessaries of Life. *See:*
"Tariff and Trade Matters" (generally).
*See also*, "Rebate on Exports."

New Brunswick, Bankruptcy Law. *See:*
"Insolvency Act."

Newfoundland Confederation.
In Speech from Throne, 4. In address in reply (Mr. Primrose), 5; in *m.* Address in reply, 8; in seconding Address in reply (Mr. Arsenault), 10. In the debate on the Address: Mr. Boulton, 47; Sir Mackenzie Bowell, 17-18; Mr. Kaulbach, 64; Mr. Power, 58; Mr. Scott, 16.
*See also*, "Union with Newfoundland."

New Westminster Penitentiary. *See:*
"British Columbia Penitentiary."

New York "Herald," offer to authors. *See:*
"Copyright Law."

Northern Light, steamboat. *See:*
"Railway Communication in P.E.I."

North Pacific, seal fishing. *See:*
"Fur Seal Fishing."

Northumberland Straits, navigation of. *See:*
"Railway Communication in P.E.I."

North-west Terries., conditions of the country, future of, etc.
Remarks on Address in reply to speech from the Throne (Mr. Boulton), 47.
*See also* "Hudson Bay Ry. Subsidy."
*See also* "Rebate on Exports."
*See also* "Tariff and Trade matters."

**North-west Territories Act Amt.; B. (135).**—*Sir Mackenzie Bowell.*
1st R.*, 612.
2nd R.*, 612.
In Com. of the W.—On cl. 3: resignation of local members; remarks: Messrs. Power, Bowell, 637. M. (Mr. Power), 637. M. agreed to, 637.
On cl. 2: Amts. *m.* (Mr. Lougheed), explanation of amts. (Mr. Lougheed), 637-8. Amts. adopted, 638.
B. reported with amts. from Com. (Mr. Vidal) which were concurred in, 638.
3rd R. *m.* (Sir Mackenzie Bowell), 639; amt. *m.* (Mr. Lougheed) ratifying Ordinance of the Legislative Assembly of the N.W.T., 639. M. agreed to, 639; B. as amended read 3rd time and passed, 639.
Assent, 805.
(58-59 *Vic., cap.* 31.)

**North-west Irrigation Act; B. (120).**—*Sir Mackenzie Bowell.*
Introduced*, 730.
2nd R. *m.* (Sir Mackenzie Bowell), 757; explanation of changes in B. (Sir Mackenzie Bowell), 757-8. M. agreed to, 758.
3rd R., 758.
Assent, 805.
(58-59 *Vic., cap.* 33.)

**North-west Territories Representation Act; B. (121).**—*Mr. Ferguson.*
Introduced*, 730.
2nd R. *m.* (Mr. Ferguson, 750; explanation of B. (Mr. Ferguson), 750; remarks: Mr. Scott, 750-1. M. agreed to, 751.
In Com. of the W.—On cl. 2; remarks: Messrs. Scott, Ferguson, Power, 752; Messrs. Power, Ferguson, 753.
B. reported from Com. without amt. (Mr. Dever), 753.
3rd R., 753.
Assent, 805.
(58-59 *Vic., cap.* 11.)

North-west Terries., Representation.
Reference to B. in speech from the Throne, 4.

**Nova Scotia Steel Co., Ltd., Amt. Act, B. (56).**—*Mr. Power.*
Introduced*, 210.
2nd R. *m.* (Mr. Power), 232. Explanation of B., 232; remarks: Messrs. Kaulbach, Power, 232; Messrs. Kaulbach, Power, Almon, Ogilvie, 233. M. agreed to, 233.
B. reported from Banking and Commerce Com. (Mr. Allan) with amt.: concurrence in amt. *m.* (Mr. Power), and agreed to, 314. 3rd R. *m.* (Mr. Power), 338. Remarks: Mr. Almon states the position of the matter, 338-9; Mr. Power, explains B. had been allowed to pass Com., 339; Mr. Miller, no division taken, and only a few amts. made in Com., 339; Mr. Allan, B. very carefully considered in Com., etc., 339; Mr. Kaulbach, majority of company that amalgamated in favour of B., 339-40. M. agreed to, 340.
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(58-59 *Vic., cap.* 91.)
Assent, 805.

Nuts, revenue from. *See:*
"Rebate on Exports."

Obscene literature. *See :*
"Sale of."

O'Donaghue, Mr., testimony before Privy Council. *See :*
"Manitoba School Question."

**Odell, Loop Sewell, Divorce B.**
Report of Divorce Com. presented (Mr. Lougheed). Counter petition filed; recommends that both parties appear before Com. and show cause why proceedings should be continued or stayed, 114. Remarks: Messrs. Clemow, Kaulbach, Lougheed, 114. M. agreed to, 115.
*9th report, presented.*—(Mr. Kirchhoffer) both parties heard by Com., recommend petition be proceeded with, 146. M. (Mr. Kirchhoffer) report be taken into consideration to-morrow. M. agreed to, 146.
*9th report, consideration of.*—Adoption of report *m.* (Mr. Kirchhoffer), 220; remarks: Mr. Kirchhoffer, explanation of report, 220-1; Mr. Kaulbach, 221-2; Messrs. McInnes (B.C.) and Scott, 222; Messrs. McMillan, Scott, McInnes (B.C.), Kaulbach, Read (Quinté), Power, 223; Messrs. McInnes, Power, Read, 224; Messrs. McInnes, Kaulbach, Landry, McCallum, Read, 225; Mr. Landry, amendment, to refer back report to Com., 226; Messrs. Clemow, Kaulbach, McClelan, 226; Messrs. Boulton, McMillan, Read, Power, 227; Messrs. Kaulbach, Read (Quinté), Sir Mackenzie Bowell, Miller, McInnes (B.C.), Kaulbach, Kirchhoffer, Vidal, 229; Messrs. McMillan, Vidal, Landry, Primrose, 230. Amt. adopted by following vote: (C. 28, N.-C. 24), 230.
*Remarks* (Mr. Clemow) before Orders of the Day are called, calls attention to report of Com., understood first report was to stand over until to-day, but find it was adopted; intended to move an amt. in regard to future action as to proceedings commencing next year at place where they terminated this year, 279; Mr. Miller, could not be done without an Act of Parliament, 279; further remarks, Messrs. Miller, Landry, Clemow, McInnes (B.C.), Kaulbach, Bellerose, 279.

**Ontario Accident Insurance Co.'s Incorp. Act; B. (81).**—*Mr. Lougheed.*
Introduced*, 430.
2nd R*, 449.
3rd R.*, 574.
Assent, 805.
(58-59 *Vic., cap.* 83.)

Ontario, bankruptcy law. *See :*
"Insolvency Act."

Ontario School system. *See :*
"Manitoba School Question."

Opening of the Session.
Speech from the Throne. *See* "Speeches."

**Order and Procedure.**
*Agriculture and Immigration.*—Mr. Bernier suggests a Joint Committee with H. of Commons. Mr. Angers promises to inquire into matter and report, 113.
*Bills, amts. incorrectly recorded.*—Mr. McCallum *m.* 3rd R. of Deschenes Bridge Co.'s Incorp. B. Mr. Power drew attention to the fact that one of the amts. made in Com. had been incorrectly reported in minutes, 248; Mr. McCallum saw no reason why 3rd R. should be postponed, 248; Mr. Power did not wish to postpone it, 248; Mr. Angers thought there could be no objection to 3rd R. of B.; Mr. Scott said no other *m.* could be made; the B. was passed, 250.

**Order and Procedure**—*Continued.*
*Bill, amts., concurred in.*—Explained that the amt. may be a very slight change, apparently merely verbal, but when phraseology of a B. sent from other House is changed, it requires the concurrence of that House, 431.
*Bill, amt. not germane to, etc.*—Mr. Ogilvie *m.* amt. to Seditious and unlawful associations and oaths B. Mr. Power did not think it in order to *m.* such an amt. in Com. of the W., being not germane to the B. Mr. Vidal thought amt. out of order. Mr. Clemow, amt. not out of order, can be *m.* at 3rd R. B. reported from Com. without amt., 330.
*Bill, discussing principle in Com.*—Sir Mackenzie Bowell remarked that according to authorities the discussion must be confined to the clause before the Com. for consideration, 717.
*Bills, private, 3rd R.*—Same day that B. is reported from Com., objected to, as in direct violation of Rule 70 (Red Mountain Ry. Co.'s B.); and 3rd R. postponed, 270-1.
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*Bills, public, interfering with private legislation.*—Mr. Power took exception to the 4th cl. in Winnipeg Great Northern Ry. Co.'s B., 794-5. The Speaker ruled that public measures should not interfere with private legislation, where private interests are at stake, and that cl. should be struck out of B., 796.
*Bill, withdrawal.*—Mr. Clemow explained reason of withdrawal of B. and said it was the fault of the system, 768.
*Constitutional questions.*—*See* debates on the following bills and motions:
British Columbia representation in the Cabinet.
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Copyright Law.
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*Committee report. Chairmanship of.*—Mr. Vidal, *m.* for adoption of first report of Railways Com., 108. Ques. of irregularity in organization of Com. (Mr. Miller), meeting called to order and business transacted before time called for meeting. Remarks: Mr. Vidal, 110; Mr. Power, 110; Mr. Kaulbach, 110-12; Sir Mackenzie Bowell, 110-11; Mr. McInnes, 110; Mr. Miller, 110-12; Mr. Almon, 113; Mr. Poirier, 113.
*Committee report; counter petition.*—Not affecting 1st reading of B. *See* "Odell Divorce Case," 114.
*Com. report, irregularity.*—Mr. Mills calls attention to irregularity in organization of Com. on Railways, etc.; appointment of chairman, Mr. Vidal explains matter, 110-13.
*Committees, Standing appointment of.*—Sir Mackenzie Bowell *m.* Com. of selection, 48. Objection (Mr. Power) not usual to introduce any business before passing of Address; Sir Mackenzie Bowell, done to facilitate business. Objection not pressed. M. agreed to, 48. Report presented and on M. (Sir Mackenzie Bowell) was adopted, 108.
*Committee, Standing, resignation from.*—On M. (Mr. Kirchhoffer) for adoption of report from certain members of the Standing Com. on Divorce,

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Mr. MacKay pointed out that it is not competent for a committee or any member of a committee to resign without cause, except in certain cases which are specified, and quoted authorities in support of point of order. Mr. Kirchhoffer does not press resolution and allows it to drop, 354.

*Crisis, practices in cases of.*—Mr. Scott in inquiring *re* rumoured Cabinet resignations observed that it is the usual practice in the British Parliament and our Parliament when any crisis arises, that both Houses are taken into the confidence of the govt., 639; Sir Mackenzie Bowell, stated hon. gentleman was quite correct as to the parliamentary and constitutional practices, but he was not in a position, to answer inquiry, 639.

*Debate, quoting speeches made in other Chamber.*—Improper to quote or refer in one House to a debate in the other House (Mr. Power), 549; authority, 556.

*See also* Manitoba School Question (Mr. Masson), 670.

*Debate, premature discussion of ques.*—On Mr. Kaulbach speaking on Lobster Fishery Amt. in Com. of the W., Mr. Lougheed remarked that the question was not yet reached. Mr. Kaulbach claimed the Premier had violated the rule by going into Mr. Power's remarks, 615.

*Debate, remarks not relevant.*—Mr. Power holds Mr. Ferguson out of order in discussing the dairy question in connection with the matter under consideration (Railway Communication in Prince Edward Island), 560.

*Debate, speaking Twice.*—Ques. of order (Mr. Kaulbach) again (Mr. McInnes, B. C.) speaking twice on Mr. Kirchhoffer M. for adoption of Com. report on Odell Divorce Case, 225.

——— Ques. of order (Sir Mackenzie Bowell) against (Mr. McInnes, B.C.) making second speech, 328.

*On 2nd R. Commercial Treaties B.*—Mr. McCallum observed that he wanted to move against B. when it comes up, 639; Sir Mackenzie Bowell said can M. as well against it before going into Com. of the W., and it will be understood he does not affirm the principle of the B. by consenting to 2nd R. now, 639.

*Debate, Ques. of Order, nothing before the Chair.*—Mr. Landry rose to ques. of order, there being nothing before the Chair. Mr. Clemow, nothing out of the way at all in the discussion. Discussion continued, 279.

*Divorce procedure.*—See the debates on "Divorce cases" (in General Index); especially the "Divorce Com.," where constitutional points, such as divorces to Roman Catholics, were discussed at great length; and Divorce Courts for Canada advocated.

*Inquiry irregular.*—Sir Mackenzie Bowell, in regard to Mr. Boulton's inqy. about starting point of Great Northern Ry., states it is not regular to put it on order paper as a question, 184.

*Inquiry, postponement.*—See "Insurance on lives of Children," 232.

*Joint Committees, appointment of.*—Mr. Power points out establishing of an objectionable precedent and departure from usual parliamentary procedure in appointing joint committee to consider amts. (Criminal Code, 1892), 271-2.

*Legislation, ratification of.*—Mr. Lougheed stated that at the last session of the North-west Legislature an order was passed providing for irrigation; the Minister of Justice was doubtful whether that legislature was within the power of the legislative

**Order and Procedure**—*Continued.*

assembly, and it was thought advisable to ratify the ordinance, 639.

*Legislation, state of.*—Mr. Scott inquires if there is any more important legislation, especially with reference to the Manitoba School question. Sir Mackenzie Bowell replies, no new legislation of any importance; definite information on Monday regarding Manitoba Schools, 577.

*Legislation, Govt, backward state of, etc.*—On M. (Mr. Vidal) for adoption of report of Com. on Railways, etc.; session called at irregular time of year and nothing on order paper (Mr. Almon), 113.

*Legislatives, local, right of.*—See Insolvency B.; Manitoba School Question.

*Motion involving expenditure of money.*—Sir Mackenzie Bowell remarked that it might not be strictly within the rules of M. (Mr. Boulton) *re* transportation on the Great Lakes involved an expenditure of money, and hoped M. would be withdrawn. M. withdrawn, 691.

*Motion for adjournment of House to read statement.*—Mr. Miller *m.* adjournment of House for the purpose of reading statement answering charges made in report from certain members of Divorce Com., 355. Remarks: Messrs. Miller and Power, 355.

*Motions, incomplete.*—Suggestion is made by Mr. Miller that Mr. McInnes (B.C.) should attach either inquiry or motion to first M. (British Columbia Penitentiary), 377; Mr. McInnes (B.C.) promises to amend M. before moving it, 377.

*Motion, withdrawal of.*—Mr. Boulton stated that he would withdraw his M. on the ground that the question before the House is a matter of fact and therefore not debatable; Sir. Mackenzie Bowell, if not debatable should not be on the order sheet, if it is can be voted on; M. voted on, 294.

*Motives, attributing.*—Mr. McInnes (B.C.) rose to ques. of order; hon. member no right to attribute motives to any other member of House. Sir Mackenzie Bowell withdrew statement if out of order or unparliamentary, 608.

*Motives, imputing.*—Some discussion took place between Sir Mackenzie Bowell and Mr. Scott regarding insinuations reflecting on the govt., made by the latter. Former called the latter to order (Winnipeg Great Northern Ry. Co.'s B.), 776; after recess, both apologize, 782.

*Newspaper, letter.*—Mr. McInnes called the attention of the House to a letter which appeared in Ottawa *Citizen* signed "J. G. Moylan," correcting report, and referring to Thomas McInnes, "his nephew," as a refugee in the U.S., in connection with irregularities in the penitentiary of British Columbia. Denied nephew's discharge, and alleges misconduct on the part of Mr. Moylan. Mr. Kaulbach asks whether on question of privilege hon. gentleman can make a speech reflecting on character of Mr. Moylan simply on letter found in newspaper. Mr. Miller inquires whether the senator has a right, as a question of privilege, to defend nephew and attack newspaper writer, only has a right to defend himself. Mr. Macdonald (B.C.) supports Mr. McInnes, attacked through medium of nephew. Mr. Angers, not an attack. Mr. Kaulbach rises to question of privilege and appeals to the chair. Sir Mackenzie Bowell, does not approve of sentence connecting Mr. McInnes's name with nephew, explains Minister of Justice struck it out, but it got into report in unaccountable manner, 133-5.

Order and Procedure—*Continued.*

*Newspaper Reports, erroneous.*—Corrections made (Mr. Boulton), of Ottawa *Citizen's* report upon Rebate to Manufacturers of exported goods, 185.

——— Correction made (Mr. Boulton), of Montreal *Gazette's* report of remarks on Great Northern Ry., 185.

*Odell Divorce Case to defer case.*—See "Senate dealing with case pending before Courts" (below), 220–30.

*Order, precedence of.*—Pointed out by Mr. Miller that it was promised that consideration of the report from certain members of the Divorce Com. should be the first Order of the Day instead of fifth item, 354; Mr. Speaker, it was understood that this should be the first item and it will be called first, 354.

*Order, ques. of, immediate consideration of report.*—Mr. Power rises to point of order on M. (Mr. Kirchhoffer) for immediate consideration of report of Divorce Com. resigning, 270. Messrs. Kaulbach and Miller also object, 270. M. (Mr. Kirchhoffer) report be taken into consideration on Monday next, 270.

*Papers, bringing down of.*—On M. (Mr. Landry) for certain documents in Baie Des Chaleur scandal case, Mr. Power rises to question of order; not the place to ask for these papers, should apply to Quebec legislature, 296; Mr. Angers, point of order not well taken, know some of the documents were duly forwarded to the Governor General, govt. no objection to bring papers before House, 296. M. agreed to, 296.

*Parliament, late summoning of.*—See General Index.

——— *reflection on action of.*—Mr. Angers stated that when the Senate last year introduced an Amt. to B. from H. of C. Senate was not supplied with necessary information. Mr. Power thought it was a reflection on the action of Parliament and was very unparliamentary, 570.

*Prejudicing case before Courts.*—See "Odell Divorce Case" (above).

*Printing, delays in, etc.*—See "Printing" in general index to subjects.

*Privilege, Questions.*—See "newspaper letter" (above).

*Proceedings, continuation next year where terminated this year.*—Mr. Clemow intended to *m.* an Amt. (Odell Divorce Case) that proceedings should be taken up next session where left off this. Mr. Miller stated could not be done without Act of Parliament. Mr. Clemow did not press matter, 279.

*Questions, put off hand.*—Mr. McKay objected to questions being put and answered off-hand; thought government should have notice of them. Mr. Masson said the only persons who have the right to complain are the members of the govt. themselves. Sir Mackenzie Bowell, no objection to answer questions, 677–8.

*Reports, reading of, in debate.*—Sir Mackenzie Bowell thought it a dangerous practice to simply hand reports to reporters, if the report is to be included in the Debates it must be read, 587.

*Rules, suspension of.*—M. (Mr. Power) for suspension of rules as regards B. intituled "An Act to incorporate the Dominion Atlantic Ry. Co.", 376. M. agreed to, 376.

*Rules, suspension of.*—Mr. Power *m.* that 41st rule of Senate be suspended as regards Eastern Assurance Society's B. and gave explanation, 331. M. agreed to, 331.

Order and Procedure—*Concluded.*

*Ruling of the Chair, no necessity for.* On Mr. McKay pointing out that it is not competent for a Com. to resign without cause, except in certain cases which are specified, Mr. Kirchhoffer drops resolution for adoption of report from certain members of Divorce Com., 354; Mr. McKay asks for ruling of Chair, 355; Mr. Angers, no necessity for ruling as Mr. Kirchhoffer has withdrawn his document, 355. Remarks, Messrs. McKay, Miller, 354; Messrs. McKay, Miller, McInnes, B.C., Power, Scott, Angers, 355.

*Senate, dealing with case while pending before courts.* Discussion as to whether Senate should deal with petition of Loop Sewell Odell for divorce until case now pending before Supreme Court is finally determined, 224–30.

Ordnance Lands in Nova Scotia and Cape Breton.

Inqy. (Mr. Poirier) as to agreement entered into between Imperial and Canadian authorities *re* transfer of ordnance lands to the latter. What ordnance lands are now in possession of Dominion Govt. in Nova Scotia and Cape Breton, also is the Dominion Govt. not entitled to the possession of the site of old fortifications at Louisbourg, 332; Remarks, Mr. Poirier difficulty in obtaining correspondence, 332; the title to the site of Louisbourg, 333; what was commemorated, 333; historical facts, 333; the inscription on the monument, 334; Mr. Almon, historic site of Louisbourg owned and sold by private individual, 334; the fort at Annapolis, 335; fort at Cumberland, 336; Mr. Kaulbach, block-houses at Lunenburg; site used for lighthouses, 336; Mr. Scott, speeches on the occasion of the unveiling of monument at Louisbourg, 336; Reply; Sir Mackenzie Bowell, properties owned in maritime provinces and known as ordnance lands, 336–7; site of the old fortifications at Louisbourg not included, 337; remarks at the unveiling of the monument, 337; Mr. Almon, how the expenses of the expedition were defrayed, 337; Sir Mackenzie Bowell, epitome of the battle, 338; sentiments *re* preservation of old fortresses, etc., 338; promises of Ministers, 338; Mr. Almon, not much time to wait, 338; Sir Mackenzie Bowell, did not make the promises, 338; Mr. Power, title to the property, 338; Mr. McDonald, (C.B.), some land in Louisbourg belonging to the Navy, 338.
*See also* "Monument, proposed at Louisbourg."

Oshawa Railway Co.'s Act; B. (90).—*Mr. Dobson.*

Introduced*, 430.
2nd R.*, 449.
3rd R.*, 574.
Assent, 805.
(58-59 *Vic., cap.* 56.)

Ottawa Board of Trade Memorial. *See:*

"Fisheries Act Amt.; B. (67)."

Ottawa "Citizen," embargo removed from Canadian Cattle. *See:*

"Montreal Harbour."

——— erroneous report in.

On Rebate to manufacturers of exported goods. Correction made (Mr. Boulton), 185.

——— extract from. *See:*

"Customs Seizure at Montreal."

——— letter of attack in.

Connecting Mr. McInnes's name with that of his nephew (Thomas McInnes) referred to in letter as a refugee in the U.S. consequent of irregularities in British Columbia penitentiary, 131.

Ottawa "Citizen" quotation from. *See:*
"Insurance on Lives of Children."

——— on rural migration to cities. *See:*
"Manitoba School Question."

Ottawa Electric Light Co., cost of power. *See:*
"Fisheries Act Amt.; B. (67)."

Ottawa "Journal," inaccurate report. *See:*
"Fisheries Act Amt.; B. (67)."

——— Roman Catholic Senators and Divorce. *See:*
"Divorce Committee."

**Ottawa Land and Security Co. Incorp. Act; B. (105).**
1st R.*, 733.
2nd R.*, 733.
3rd R.*, 744.
Assent, 805.
(58-59 *Vic., cap.* 87.)

Ottawa River, dumping of saw-dust. *See:*
"Fisheries Act Amt.; B. (67)."

——— survey of. *See:*
"Saw-dust in Ottawa River."

**Ottawa, Arnprior and Parry Sound Ry. Co., B. (32).**—*Mr. McLaren.*
Introduced*, 130.
2nd R.*, 145.
3rd R.*, 166.
Assent, 805.
(58-59 *Vic., cap.*, 57.)

**Ottawa and Aylmer Ry. and Bridge Co.'s Incorp. Act; B. (54).**—*Mr. Clemow.*
Introduced*, 233.
2nd R. *m.* (Mr. Clemow), 250. Explanation of B., 250.
3rd R.*, 294.
Assent, 805.
(58 59 *Vic., cap.* 58.)

Ottawa and Lake Huron Canal. *See:*
"Deschene Bridge Company's Bill."

Pacaud, Ernest, Declarations of. *See:*
"Baie des Chaleurs Scandal."

Paris, Schools in. *See:*
"Manitoba School Question."

Parliament, Last Date of Summoning.
Remarks in debate on the Address: Kaulbach, 16; Scott, 10-11.

Patents and Patent Privileges, Acquisition of. *See:*
"James Maclaren Co.'s B."

**Penitentiaries Act Amt.; B. (66).**—*Mr. Angers*
Introduced*, 272.
2nd R. *m.* (Mr. Angers), 340. Explanation of B., 340. Remarks: Mr. Power, on 1st cl., 340. M. agreed to, 340.
In Com. of the W.—On 2nd cl.: removing insane convicts into asylums, Messrs. Kaulbach, Angers, Power, 340; Messrs. Angers, Power, Kaulbach, 341. Cl. agreed to, 341. B. reported from Com. (Mr. MacInnes, Burlington), without amt., 341.
3rd R. *m.* (Mr. Angers), 372. Remarks: amt. *m.* (Mr. Power) sending prisoners on becoming insane to asylums in same province as convicted in, 372-3; Mr. Sullivan points out special qualities of certain asylums, 373; amt. withdrawn, 373. B. read 3rd time and passed, 373.
Assent, 805.
(58-59 *Vic., cap.* 41.)

**Penitentiaries Act—***Continued.*

**Penitentiaries Act Amt.; B. (131).**—*Sir Mackenzie Bowell.*
1st R.*, 728.
3rd R. *m.* (Sir Mackenzie Bowell), 728; explanation of general principle of B., 728; on uniformity of salaries of officers, Messrs. Power, Kaulbach, 728-9; M. agreed to, 729.
Com. of the W.—On 3rd cl., remarks: Mr. Power, salaries of chaplain and surgeon, 734; M. (Mr. Power) that this cl. be struck out, 735; Messrs. Power, Sullivan, Scott, Clemow, Kaulbach, 735; Messrs. Kaulbach, Bowell, 736; Messrs. Bowell, Power, Clemow, 737; Messrs. Bowell, Dickey, Clemow, Sullivan, 738; Messrs. Clemow, McMillan, Bowell, Sullivan, Power, 739; Messrs. Power, Ferguson, Bowell, 740; Messrs. Power, Bowell, McInnes (B.C.), Sullivan, Bernier, Ferguson, 741; Messrs. McInnes (B.C.), Bowell, 742; Amt. (Mr. Power) lost on a division, 742. On the rights of the Senate, Messrs. Power, Bowell, 742; Messrs. Power, Bowell, 743.
On cl. 7: substitution (Sir Mackenzie Bowell); sections 1, 3 and 6 shall apply only to persons hereafter appointed, etc., 743. Amt. agreed to, 743.
B. reported with an amt. from the Com. (Mr. Dever), which was concurred in, 743.
3rd R. *m.* (Sir Mackenzie Bowell), 744. B. read a third time and passed under a suspension of the rule, 744.
Assent, 805.
(58-59 *Vic., cap.* 42.)

Pensioning Civil Servants. *See:*
"Civil Service Act Amt."

Plessis, Bishop, Instructions to Red River Missionaries. *See:*
"Manitoba School Question."

Pollution of Rivers. *See:*
"Fisheries Act Amt.; B. (67)."

Port Arthur, Grain Trade at.
M. (Mr. Boulton) for returns, 115.

Porto Rico, Steamboat Service. *See:*
"Halifax and Jamaica Steamboat Service."

Post Office Service in Victoria, B.C.
Inqy. (Mr. McInnes, B.C.), as to whether government is going to do away with provisional allowance of ten dollars per month to the post office clerks and letter carriers in Victoria, etc.: unsatisfactory condition of affairs existing, $10 allowance withheld for five months, men go on strike, discharged, intercession of His Ex. and men reinstated, recommends a fixed salary, 146-7.
Reply (Sir Mackenzie Bowell) not the intention of the government to do away with provisional allowance, when that decision is come to a scale of salary commensurate with positions will be adopted, 147.
M. (Mr. McInnes, B.C.) for copies of all correspondence and telegrams that have passed between the Postmaster General, etc., and the British Columbia Board of Trade, etc., relative to the "provisional allowance" and the withholding of the same from the post office clerks and letter carriers of Victoria, B.C., 272; remarks (Mr. Mc-

Post Office Services in Victoria, B.C.—*Contd.*
Innes, B.C.), correspondence not voluminous, hope govt. will bring it down inside of a day or two, 272. M. agreed to, 272.

Post Office deficit. *See:* "Rebate on Exports."

Premiers, present and past.
Remarks on: *See* "Speeches on Address in reply."

Prendergast, Mr., letter asking for reserve fund. *See:*
"Manitoba School Question."

Press, rights of. *See:*
"British Columbia Penitentiary."

Prince Edward Island, imports of. *See:*
"British Columbia, representation in Cabinet."

Prince Edward Island railways. *See:*
"Railway Communication in Prince Edward Is."

Printing and the Printing Com.
Appointment of Com.—M. (Sir Mackenzie Bowell) for adoption of report of Com. of Selection, agreed to*, 108.
M. (Sir Mackenzie Bowell), additional copies of B. (A) Act respecting Insolvency, 128; remarks, Mr. Kaulbach, 128; M. agreed to, 128.
On M. (Mr. Power) for Return, details of cost of printing, 1883-93, for comparison of contract and govt. systems, 688 (1894). Return laid on table (Sir Mackenzie Bowell), difficulty of preparing returns in detail, 185; Mr. Power, regrets voluminous character of return, explains M. simply to get amount for each service, 185. Complaint (Mr. Kaulbach) of delays in printing upon Falding Divorce B., being *m.* 2nd R. (Mr. Clemow). Remarks: Mr. Clemow, 220.
1st report. Adoption *m.* (Mr. Read, Quinté). recommends certain documents be not printed, 279-80. Ques. (Mr. McClelan) *re* error in report, some documents important and should be printed, 280; reply (Mr. Read, Quinté), made inquiry of clerk, committee decided none of these documents be printed, 280. M. agreed to, 280.
Complaint, lack of promptness (Mr. Power) in civil service superannuation debate, 624.
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Reply (Sir Mackenzie Bowell), desire of govt. to comply with conditions of orders as near as possible, 720; voluminous character of return if wording of resolution is strictly adhered to, 720; comparative expenditure, 720; how to arrive at a correct conclusion, 720-1.
Further remarks: (Mr. Power), object of return; return does not carry out object; intention of the House defeated, 721.
5th report presented from the Joint Com. (Mr. Read), 729; provides for increase of pay to Mr. Chamberlain and another, name not mentioned, 729; provides that only one copy of a certain map may be distributed to each Senator, etc., 729. M. (Mr. Read) that this report in conjunction with two other reports be taken into consideration at next sitting of House, 729. M. agreed to, 729.

Printing and publishing offices in Canada. *See:*
"Copyright law."

Private Bills, time extension of. *See:*
"Bills."

Privilege, Questions of.
Ottawa *Citizen:* letter signed "J. G. Moylan" attacking Mr. McInnes, through medium of nephew, 131.
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Inqy. (Mr. Power), as to prorogation of Parliament, 691-2. Reply (Sir Mackenzie Bowell), depend on the action of the Opposition in the H. of C.; a week from Monday, 692, remarks: Mr. Power, *re* influencing members in other House, 692.
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"Customs Tariff Act Amt."

——— excise and duty on. *See:*
"Rebate on Exports."
*See also* "Revenue from Excise and Customs."

Standing Coms. *See:*
"Senate."

Stanley, steamer. *See:*
"Railway Communication in P.E.I."

State insurance. *See:*
"Insurance on lives of children."

Steamboat Service with mainland. *See:*
"Railway Communication in P. E. Island."

Steamship line to France. *See:*
"Commercial Treaties Act."

Stewart, Rev. Prof., on training in normal schools. *See:*
"Manitoba School Question."

Subsidies, Ocean Steamship.
In remarks on Address: Australian line, Mr. Kaulbach, 61.
*See also* "British Columbia, representation in Cabinet."

Subsidy to railways. *See:*
"Winnipeg and Hudson Bay Ry."

Sugar, duty on, etc. *See:*
"Tariff and Treaty matters" (generally).
*See also* "Customs Tariff Act Amt."
*See also* "Rebate on Exports."

Sunday traffic. *See:*
"International Radial Ry. Co.'s B."

Superannuation of Civil Servants. *See:*
"Civil Service Superannuation."

**Superannuation of Judges B. (129).**—*Sir Mackenzie Bowell.*
1st R., 694.
M. (Sir Mackenzie Bowell) for 2nd R. to-morrow, 694. Explanation of B. (Sir Mackenzie Bowell), 694. M. agreed to, 694.
2nd R. *m.* (Sir Mackenzie Bowell) 714; remarks: Messrs. Lougheed, Bowell, 714; Messrs. Lougheed, Scott, Bowell, 715. M. agreed to, 715.
B. then passed through Com. of the W. without amt., 715.
3rd R.*, 715.
Assent, 805.
(58-59 *Vic., cap.* 39.)

Superintendent General Indian Affairs, powers of. *See:*
"Indian Act Amt. B."

**Supply Bill for Fiscal Year ending 30th June, 1895 (125).**—*Sir Mackenzie Bowell.*
1st R.*, 431.
2nd R.*, 431.
3rd R.*, 431.
Assent, 805.
(58-59 *Vic., cap.* 1.)

**Supply Bill for Fiscal Year ending 30th June, 1896; B. (149).**—*Sir Mackenzie Bowell.*
1st R.*, 769.
2nd R.*, 769.
3rd R.*, 769.
Assent, 805.
(58-59 *Vic., cap.* 2.)

Surgeons of Penitentiaries, salaries, etc. *See:*
"Penitentiaries Act Amt.; B. (131)."

Surplus fund, Roman Catholic School. *See:*
"Manitoba School Question."

Surplus, under Conservative Administration.
*See* "Tariff and Trade matters" (generally).

Surtees, Robert, evidence of. *See:*
"Fisheries Amt. Act; B. (67)."

Survey of the Ottawa River. *See:*
"Saw-dust in the Ottawa River."

Switzerland's Treaty with France. *See:*
"Commercial Treaties Act."

System of Government.
In *m.* address in reply to speech from the Throne (Mr. Primrose). Prominence given by His Ex. to his sense of the value of advice and assistance of both Houses, 5.

Taché, Archbishop, regarding Roman Catholic Schools, etc. *See:*
"Manitoba School Question."

Tariff and Trade Matters generally.
In speech from the Throne.—Preferential trade relations between Australasian governments and other self-governing colonies of the Empire; depression in trade and decrease in revenue derived from Customs and Excise, 3, 4.
In the address in reply, 5; In *m.* the address in reply (Mr. Primrose), 6-8; treaty with France, 6; intercolonial conference, 7; depression in trade, 7-8; Insolvency Act, 8.

Tariff and Trade matters generally—*Contd.*
In seconding the address (Mr. Arsenault).—Negotiations for development of better trade relations with foreign powers and different colonies of the empire, 9.
In the debate.—Mr. Armand: benefits of protection, 89.
Mr. Boulton: Treaty with France, 27; trade relations with Australia and other self-governing colonies of the empire, 27; free trade and protection, 27-8; reducing taxation and increasing revenue, 38; the result of protection, 38; reduction in value of imports and exports, 38 9; price of wheat, 38; taxation multiplied as a consequence of protection, 39; further reduction of the tariff, 39; the manufacturing industries, exporting power, production, capital invested, 40; taxation on necessaries of life, 41; duty on rice, 41; duty on agricultural implements, 41-2; cost of production, 42-3; selling, prices 43-4; artificial value placed on goods, 44; nail and tack industry, 45; Imperial protection, 46; protective taxation on necessaries of life, 47; productions of the North-west, 47; Copyright Act, 48; report of the Commission on Freight Rates, 48.
Sir Mackenzie Bowell: Treaty with France, 18; favoured-nations treaties, 18; bonuses to industries, 21; results of removing the duties, 22; policy of the Liberals when in power, 22, home market established for agricultural products, 22; importation of the product of the hog, 22; Canadian butter and cheese in the English market, 23; consumption of dairy produce in England, 23; comparison of the value of Canadian farm property with free trade England, 23; Lord Salisbury on the condition of agricultural interests in England, 23; annual production of wheat in the North-west, 23; Canada's position under the National Policy compared with other countries, 23.
Mr. Ferguson: Antigonish election not altogether decided on the trade policy, 97; price of kerosene oil, 97; free trade versus protection, 97; development of American industries, 98; the effect of the National Policy, 99; helpless position of the Liberal party in 1878, 99; falling off in farming population, 99; importation and exportation of agriculéural products in 1877 compared to present time, 99-100; census and the deficit, 100; duty on tea and sugar, 101; surplus during last sixteen years, 101; comparison of imports and duties paid in at different ports of entry, 102-3.
Mr. Kaulbach: Treaty with France, 61; trade with Australia, steamship subsidy, 61; meat from Oregon and Washington Territories, 61-2; quarantining of American cattle, 62; manufacturing industries finding markets in Australia, 62; trade in 1873-78 and since, 63; conditions under Liberal rule, 63; effects of the National Policy, 63-7; *re* expenditure, 64; the deficit: Canada compared with England and the U.S., 64; the depression, 64; the Insolvency Act, 65; general situation of affairs under the National Policy, 67-68; the deficit and reducing the tariff, 68; cotton and woollen industries, 68; Grits asking for protection, 68; Liberal election speeches made to suit localities, 68-9; further remarks on the National Policy, 70; failures and losses in 1875, 71; exposition in 1893; increase in productive industry, 1888-94, 71; exports from 1888-94, 71; imports and duties, 1888-94; comparative table of exports from Nova Scotia from 1874-94, 71; public debt of Canada, 72; what method of raising revenue under free trade, 72; foreign competition in England, 72; profits of the manufacturers, 73; effect of a free trade policy, 73; on the fishermen, 74; shipping industry, 74.

Tariff and Trade matters generally—*Continued.*
Mr. Macdonald (B.C.): Cheap products of all kinds, 59; England's system of taxation, 59; Free Trade versus the National Policy, 59; amount paid in wages by manufacturers, 60; revenue and imports, 60.
Mr. Power: Treaty with France, 50; intercolonial preferential trade, 50; the fiscal policy the issue of the Antigonish election, 53-4; depression in trade in Canada, 56; the effect of the National Policy, 56; the deficit, compared with 1873-78, 56-7; subsidy to the Hudson Bay Ry., 57; protective tariff and tariff for revenue, 57-8; Insolvency Law, 58.
Mr. Scott: Treaty with France, 12; the National Policy a failure, 14; reducing the duty and increasing the revenue, 14; the fiscal policy, 14, 15; reducing the duty on cottons, woollens and iron, 15; Canadian exports and the fiscal policy, 15; value of coal oil, 15.

Taxation. *See:* "Tariff and Trade matters."
*See* also "Revenue from Excise and Customs."

Taxation, School. *See:*
"Manitoba School Question."

Tea, duty on, etc. *See:*
"Tariff and Trade matters" (generally).
*See* also, "Rebate on Exports."

**Temiscouata Ry. Co. Act; B. (70).**—*Mr. Casgrain.*
Introduced*, 268.
2nd R.*, 280.
3rd R.*, 372.
Assent, 805.
(58 59 *Vic., cap.* 65.)

**Tenth Chapter of the Consolidated Statues for Lower Canada, Amt. Act, respecting Seditious and Unlawful Associations and Oaths; B. (N).**—*Mr. Power.*
Introduced*, 282.
2nd R. *m.* (Mr. MacInnes, Burlington), 313. Explanation of B. (Mr. Power), 313. Remarks: Messrs. Power MacInnes (Burlington), 313; Messrs. DeBoucherville, MacInnes (Burlington), 314. M. agreed to, 314.
M. (Mr. MacInnes, Burlington) that House resolve itself into Com of the W. on B., 329. Remarks: explanation of B., Messrs. De Boucherville, MacInnes (Burlington), Ogilvie, 329; Mr. Ogilvie, 330. M. agreed to, 330.
In Com. of the W.: Amt. *m.* (Mr. Ogilvie), 330; Amt. not germane to the B., Messrs. Power, Vidal, Clemow, Kaulbach, 330. B. reported from Com. without Amt. (Mr. Vidal), 330.
3rd R.*, 340.
Assent, 805.
(58-59 *Vic., cap.* 44.)

Terra-cotta, manufacture of. *See:*
"The James McLaren Co.'s B."

Third Class Clerkships, abolishment. *See:*
"Civil Service Act Amt."

Thompson, Late Rt. Hon. Sir John.
Remarks on the death of, in the debate on the Address: In speech from the Throne, 3; in Address in reply, 4. In *m.* the Address (Mr. Primrose), 5. In seconding (Mr. Arsenault), 9. In speeches: Mr. Armand, 88; Mr. Bernier, 75; Mr. Boulton, 26-7; Sir Mackenzie Bowell, 17; Mr. Ferguson, 103; Mr. Kaulbach, 65; Mr. McDonald (B. C.), 60; Mr. McInnes (B.C.), 23; Mr. Power, 50; Mr. Scott, 11-12.

Thompson, Sir John, on copyright question. *See:*
"Copyright Law."

Three Rivers Harbour Commissioners' B. *See:*
"Harbour Commissioners, etc."

Tilton, John, evidence of. *See:*
"Fisheries Amt. Act; B. (67)."

Timber, manufacture of. *See:*
"The James Maclaren Co.'s B."

Tobacco, duty and excise on. *See:*
"Rebate on Exports."
*See* also, "Revenue from Excise and Customs."

**Toronto, Hamilton and Buffalo Ry. Act; B. (34).**—*Mr. Lougheed.*
1st R.*, 679.
2nd R.*, 679.
3rd R.*, 680.
Assent, 805.
(58-59 *Vic., cap.* 66.)

Trade. *See:*
"Tariff and Trade matters," (above).

Trade relations, preferential with Colonies, etc.
In speech from Throne, 3; address in reply, 4; in *m.* Address, 6; in seconding (Mr. Arsenault), 9. In the debate: Mr. Boulton, 27-8; Mr. Kaulbach, 61; Mr. Power, 50-1.
*See also* "Tariff and Trade matters" (generally).

Traffic, diversion of. *See:*
"Montreal Harbour Commission."

**Trail Creek and Columbia Ry. Co.'s Incorp. Act; B. (57).**—*Mr. MacInnes.*
Introduced*, 195.
2nd R.*, 231.
B. reported from Com. (Mr. Vidal) with amt., 233; explanation regarding notice (Mr. Vidal), 233; remarks: Messrs. Clemow, Vidal, 233; M. (Mr. MacInnes, Burlington) for adoption of amt., 233; M. agreed to, 233.
3rd R.*, 250.
Assent, 805.
(58-59 *Vic., cap.* 67.)

**Trans-Canadian Ry. Co.'s Incorp. Act; B. (46).**—*Mr. Clemow.*
1st R.*, 733.
2nd R.*, 733.
3rd R.*, 744.
Assent, 805.
58-59 *Vic., cap.* 68.)

Transportation on the Great Lakes.
M. (Mr. Boulton) on accepting invitation of U.S. Congress and appoint three commissioners to meet three commissioners appointed by the U.S. govt. to discuss ways and means whereby ocean vessels may have access to the head waters of our inland navigation, etc., 680. Remarks: Mr. Boulton, falling off in marine interests, 680-1; increase in inland transportation, 681; U.S. Congress resolution of 1892, 681; international arrangement proposed, 681; benefits of cheap transportation, 682; statistics with regard to carriage of produce, 682; freight to U.S. ports, 682-3; rate of freight for wheat, 683; on deepening the canals, 683-4; cost of canal system, Messrs. Boulton and Kaulbach, 684; Messrs. Boulton, Power, Kaulbach, 685; Mr. Boulton, 686; Messrs. Bowell, Boulton, 687; Messrs. Boulton, Power, Kaulbach, Bowell, 688; Messrs. Kaulbach, Power, Boulton, 689; Messrs. Power, Boulton, Bowell, 690; Messrs. Bowell, Power, Boulton, 691. M. withdrawn, 691.

Treaty, favoured nations.
Remarks in debate on the Address: Sir Mackenzie Bowell, 18.
*See also* "Commercial Treaties Act."

Treaty with France.
Remarks in debate on the Address: In speech from the Throne, 3; in address in reply, 4; in *m.* the Address (Mr. Primrose) 5. In speeches: Mr. Boulton, 27; Sir Mackenzie Bowell, 18; Mr. Kaulbach, 61; Mr. Power, 50; Mr. Scott, 12.
——— *See also:* "Tariff and Trade matter."
——— *See also:* "Commercial Treaties Act."

Treatyy with Spain. *See:*
"Commercial Treaties Act."

Trial by Jury. *See:*
"Criminal Code Amt. B."

Tunnel to P.E.I. *See:*
"Railway Communication in P.E.I."

Tupper, Sir Charles.
In *m.* Address in reply to Speech from the Throne, (Mr. Primrose): opinion *re* interpretation of clause in French Treaty, 6; letter *re* educational exhibit, Colonial and Indian Exhibition, 1886, 80.
On reply (Sir Mackenzie Bowell) to inqy. (Mr. Desjardins), 729-30; cable *re* removal of embargo from Canadian cattle by Belgian Govt., 730.

Union with Newfoundland.
Suggestion (Mr. Wark), calls attention to the unsuccessful negotiations and suggests advisability of opening a correspondence with Imperial Government, and propose such joint assistance as would enable Newfoundland to enter the Dominion unembarrassed by financial difficulties, 342. Remarks: Mr. Wark, the fire in 1891, 342; Newfoundland's exports and imports, 342-3; basis of taking over colony, 344; Province of Quebec and Maritime Provinces business with Newfoundland, 344; Mr. Scott, value of Newfoundland as a purchasing part of the Dominion, 344; effect of allowing Newfoundland to drift into an alliance with a foreign power, 345; further remarks: Mr. Prowse, 345; Messrs. Prowse and Primrose, 346; Messrs. Power and Bowell, 347; Messrs. Power and Kaulbach, 348; Messrs. McCallum and Drummond, 349; Messrs. Drummond and Bowell, 350; Sir Mackenzie Bowell, 351-3.

United States, remarks on.
In the debate on Address: Mr. Ferguson, 98.
——— canals. *See:*
"Montreal Harbour Commission."
——— cedar, admission of. *See:*
"Customs Act Amt."
——— Civil service. *See:*
"Civil Service Act Amt."
——— copyright in.
"Copyright Law."
——— resolution of Congress. *See:*
"Transportation on the Great Lakes."
——— schools. *See:*
"Manitoba School Question."
——— system of customs appraising and appeal. *See:*
"Customs Act Amt."
*See also* Tariff and Trade matters" (generally).

Vacancy in the Cabinet.
Inqy. (Mr. McInnes, B.C.), calls attention to the vacancy in the Cabinet and inquires if it is the intention to fill up the vacancy by appointing a representative from B.C., 694; comments on the situation, 694; rights of B.C. to representation in the Cabinet, 694-5; Mr. Macdonald (B.C.), on Mr. Anger's action, 696; recommends Premier not to do anything hasty, 696.
Reply (Sir Mackenzie Bowell) will disclose name of party when choice approved of, 696; comments on Mr. McInnes's (B.C.) remarks, 696; confounding of Senators from Victoria and New Westminster, 696-7.
Further remarks: Messrs. McInnes (B.C.), Bowell, Macdonald (B.C.), 697.

Vessels, building of. *See:*
"James Maclaren Co.'s B."

Victoria, B.C., rifle range at. *See:*
"British Columbia Rifle Range."

Victoria "Times" and "World," extracts from. *See* "British Columbia Penitentiary."

Von Caprivi, on school matters. *See:*
"Manitoba School Question."

**Voters' List of 1895 Act; B. (69).**—*Sir Mackenzie Bowell.*
1ntroduced*, 612.
2nd R. *m.* (Sir Mackenzie Bowell), 636; explanation of B. (Sir Mackenzie Bowell), 636-7. M. agreed to, 637.
3rd R.*, 639.
Assent, 805.
(58-59 *Vic., cap.* 12.)

Voters' lists. *See:*
"N.W.T. Representation Act."

Waterways and Canals. *See:*
"Transportation on the Great Lakes."

West Indies Trade. *See:*
"Halifax and Jamaica Steamboat Service."
*See also* "Revenue on Excise and Customs."

Wheat, cultivation of. *See:*
"Experimental Farms in the North-west."

Wheat inspectors, salaries of. *See:*
"Inspection Act Amt."

Wheat, price of. *See:*
"Tariff and Trade matters."
*See also* "Rebate on Exports."

Whisky, duty on, etc. *See:*
"Revenue from Excise and Customs."

Williams, Dr., offer to authors. *See:*
"Copyright Law."

**Windsor and Annapolis Ry. Co.'s B. (49).**—*Mr. Power.*
1st R., 330. Remarks: Sir Mackenzie Rowell, Mr. Power, company commuting claim with govt. for duty, 330.
2nd R. *m.* (Mr. Power), 341, explanation of B. (Mr. Power), 341. M. agreed to, 341.
3rd R.*, 380.
Assent, 805.
(58-59 *Vic., cap.* 69.)

Wine, duty on, etc. *See:*
"Rebate on Exports."

Wines, French, importation. *See:*
"Commercial Treaties Act."

**Winding Up Act Amt., B. (144).**—*Sir Mackenzie Bowell.*

Introduced*, 730.
2nd R. *m.* (Sir Mackenzie Bowell), 744; explanation of B. (Sir Mackenzie Bowell), 744-5. M. agreed to, 745.
3rd R., 745.
Assent, 805.
(58-59 *Vic., cap.* 18.)

**Winnipeg and Assiniboine River Water-Power Act, B. (132).**—*Mr. Boulton.*

Introduced*, 612.
2nd R.*, 622.
3rd R.*, 639.
Assent, 805.
(58-59 *Vic., cap.* 79.)

**Winnipeg & Great Northern Ry. Co.'s B. (150).**—*Sir Mackenzie Bowell.*

Inqy. (Mr. Scott), whether it is the intention to bring down legislation, 622. Reply (Sir Mackenzie Bowell) no further legislation of any important character, 622.
On M. (Sir Mackenzie Bowell) to adjourn. the House, he gave explanation regarding legislation to be brought down this session in connection with the Hudson Bay Ry., 715. Remarks: Messrs. Scott, Bowell, Lougheed, Allan, 715; Messrs. MacInnes (Burlington), Bowell, Lougheed, 716.
1st R. *m.* (Sir Mackenzie Bowell), 769; remarks: M. (Mr. MacInnes, Burlington) for three months' hoist, 769; Mr. Scott, 769; Messrs. Scott, Bowell, 770; Messrs. Scott, Bowell, 771; Mr. Scott, 772; Messrs. Scott, Bowell, 773; Messrs. Scott, Bowell, 774; Messrs. Scott, Bowell, McInnes (B.C.), 775; point of order, Messrs. Bowell, Scott, Smith, Ferguson, 776; Messrs. Scott, Bowell, 777; Messrs. Scott, Bowell, 778; Messrs. Bowell, Power, 779; Messrs. Power, Ferguson, 780; Messrs. Power, Bowell, Scott, Smith, 781; Messrs. Smith, Power, 782. After recess: Messrs. Bowell, Scott, Power, 782; Mr. Power, 783; Messrs. Power, Ferguson, 784; Mr. Ferguson, 785-786; Messrs. Ferguson, Clemow, Scott, 787; Messrs. Power, Clemow, Bowell, 788; Messrs. Clemow, Bowell, 788; Messrs. Clemow, Bowell, Scott, Power, Angers, 789; Messrs. Angers, MacInnes (Burlington), 790; Messrs. MacInnes (Burlington), Reesor, 791; Messrs. Reesor, Bowell, 792. Amt. rejected by the following vote (C. 7, N.-C. 11), 792.
M. (Sir Mackenzie Bowell) for suspension of 41st rule, 792; objected to (Mr. Power), 792; remarks: Messrs. Bowell, Power, 792; Messrs. Ferguson, Bowell, 793. Further M. (Sir Mackenzie Bowell) that when the House adjourns to-night it stands adjourned until ten o'clock on Monday morning, 793. M. agreed to, 793.

**Winnipeg & Great Northern Ry. Co's** —*Continued.*

2nd R. *m.* (Sir Mackenzie Bowell), 793; on point of order, Mr. Power, 793; Messrs. Power, Bowell, Scott, 794; Messrs. Scott, Ferguson, the Speaker, Power, 795; the Speaker, Mr. Power, 796; decision on point of order (the Speaker), 796; Messrs. Bowell, Power, Kaulbach, Angers, the Speaker, Mr. Scott, 796. M. agreed to and B. read the second time, 796.
In Com. of the W.—On 1st cl.; remarks: Mr. Power, 796; Messrs. Power, Kaulbach, Bowell, Scott, 797; Messrs. Scott, Bowell, Power, 798; Messrs. Power, MacInnes (Burlington), Ferguson, 799; Messrs. Ferguson, Power, 800; Messrs. Ferguson, Power, Kaulbach, Power, the Chairman, 801; cl. agreed to on a division, 801.
On 3rd cl.; remarks: Messrs. Power, Bowell, 802; amt. *m.* (Mr. Power), 802; Messrs. Bowell, Power, 802. Amt. lost and cl. agreed to, 802.
Additional cl. amt. (Mr. Ferguson), 802; remarks: Messrs. Power, Ferguson, Scott, 802; Messrs. Power, Bowell, 803; amt. withdrawn, 803.
3rd R. *m.* (Sir Mackenzie Bowell), 803; amt. *m.* (Mr. Scott), 803. Amt. rejected by following vote (C. 6, N.-C. 11), 803. B. was then read the third time and passed, 803.
Assent, 806.
(58-59 *Vic., cap.* 8.)

Winnipeg and Hudson Bay Ry.

Inqy. (Mr. Power) as to prorogation, 761; reply, (Sir Mackenzie Bowell) two bills to come up from other House, etc., 761.
B. explained and particulars of construction, (Sir Mackenzie Bowell), 761; remarks: Mr. Ogilvie, 761; Messrs. Kaulbach, Bowell, Power, Smith, MacInnes (Burlington), 762; M. (Sir Mackenzie Bowell), adjournment until 2.30 p.m., 763; Messrs. Power, MacInnes (Burlington), Scott, 763; Messrs. Scott, MacInnes (Burlington), Bowell, Ferguson (P.E.I.), 764; Messrs. Bowell, Scott, MacInnes (Burlington), 765; Mr. Scott, 766. M. agreed to, 766.
Remarks (Mr. Bernier), 769; about to leave for home and want to say a few words in favour of measure, 769; railway needed, 769; the Dauphin district, 769; effect of the rejection of the B. or otherwise, 769.

Wise, Mr., evidence of. *See:*
"Fisheries Amt. Act., B. (67)."

Wood import of Great Britain. *See:*
"Commercial Treaties Act."

Woollen industry. *See:*
"Tariff and Trade matters" (generally).

Writers, appointment of. *See:*
"Civil Service Act Amt."

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